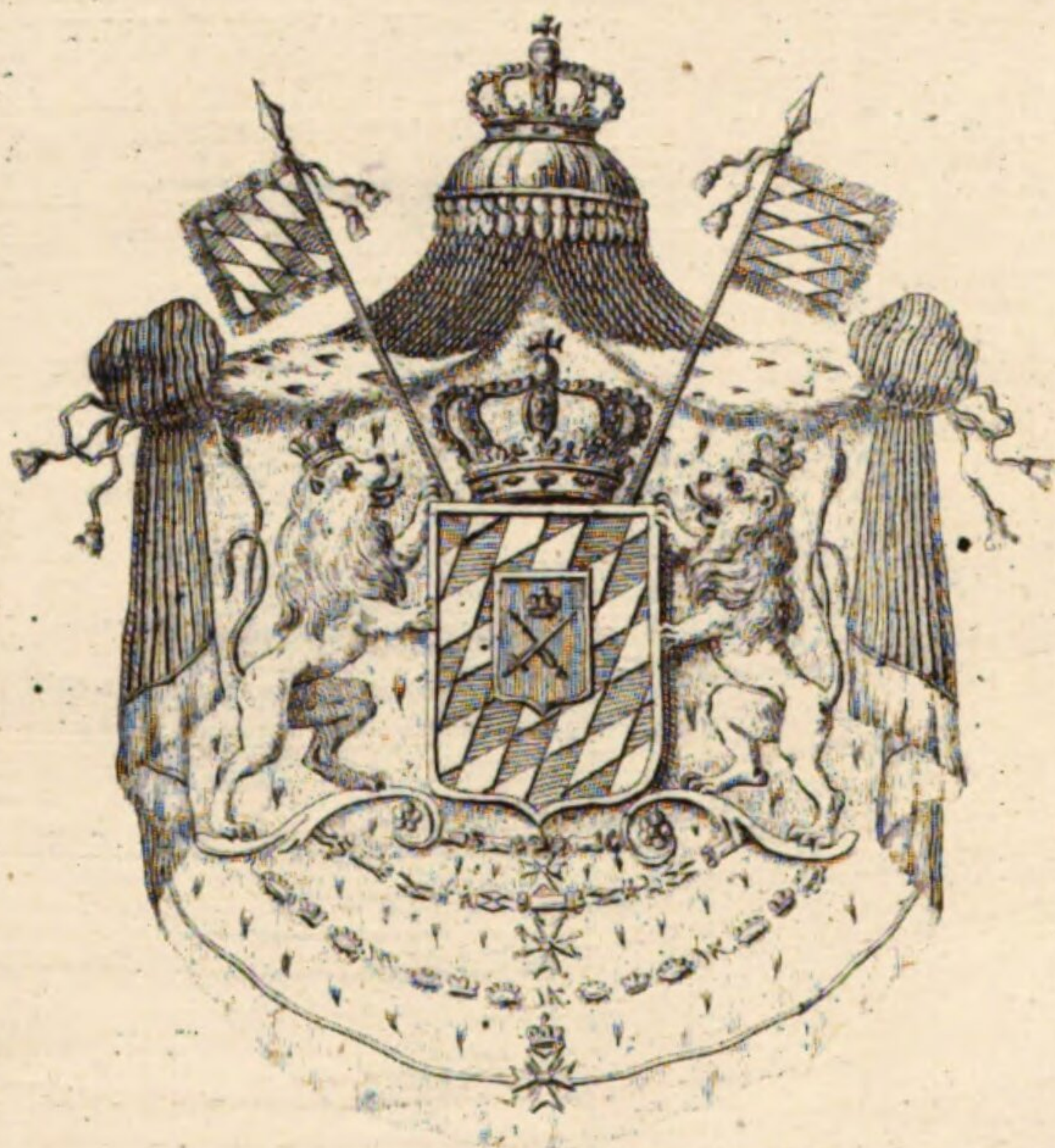




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John Pinkerton



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OF
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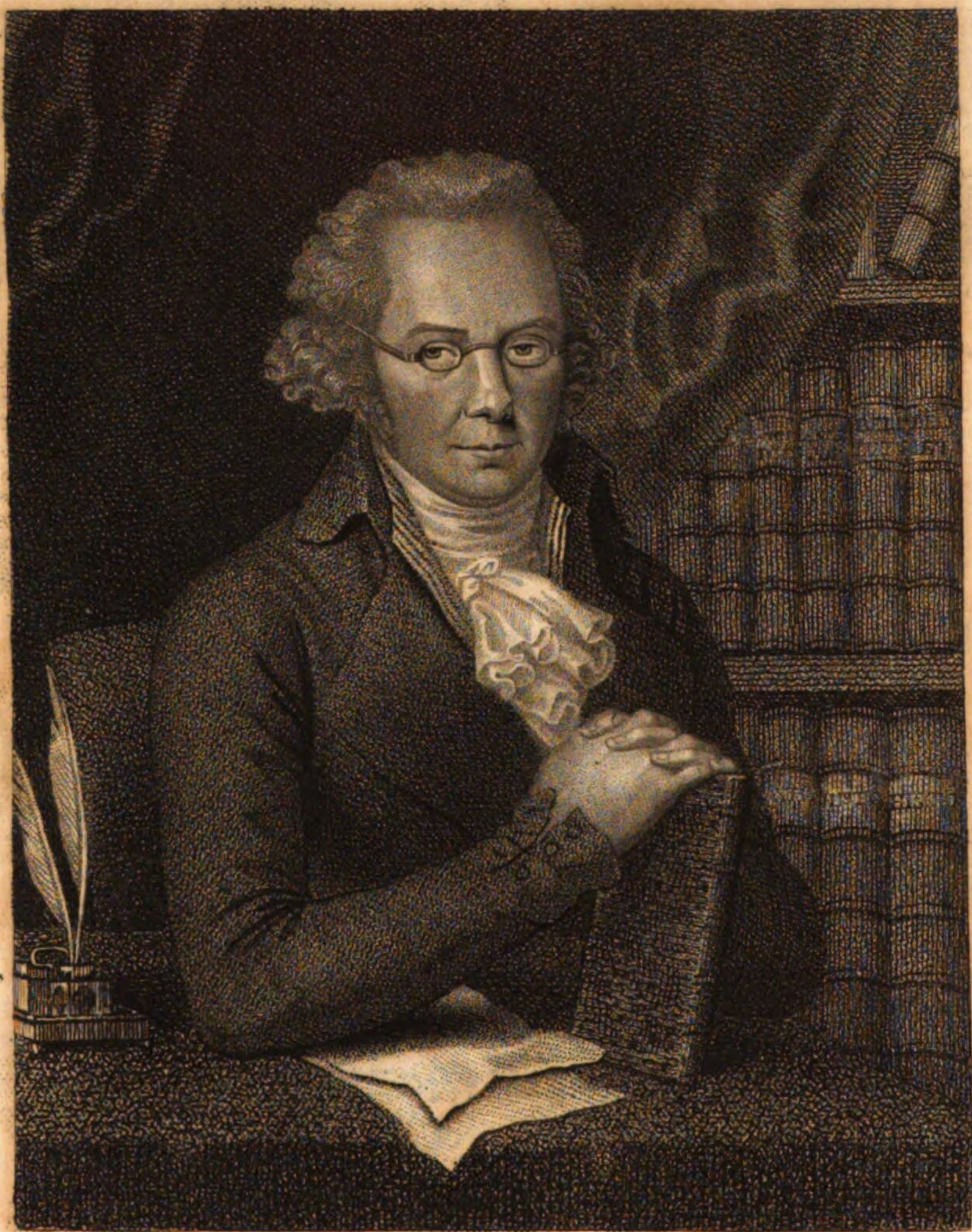
VOLUME I.

THE
HISTORY
OF
SCOTLAND

UNDER THE
HOUSE OF STUART.

VOLUME I.





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JOHN PINKERTON.

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WITH
APPENDIXES OF ORIGINAL PAPERS.

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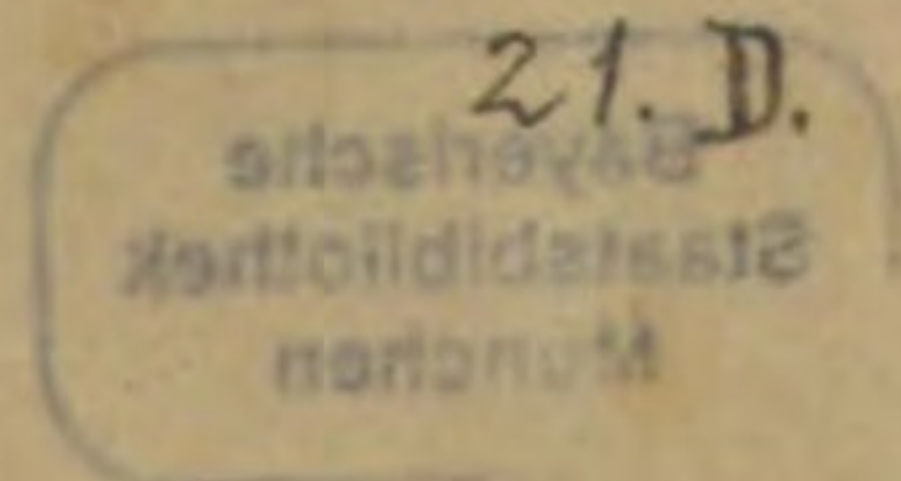
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VOL. I.

LONDON:

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M DCC XCVII.



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PREFACE.

WITH a considerable degree of anxiety the author at length delivers to the public candour the greatest labour of his life.

The plan of this work being in some respects new, it may not be unnecessary to indicate the causes of the arrangement. The characters of the monarchs are delineated at the commencement, not at the close, of their reigns; because in the most eminent historical productions, when other personages ascend the scene, they are thus introduced, and recommended to the reader's attention, as he becomes more interested in the events by a previous acquaintance with the actors. In the other mode the mind seems to feel some defect in gratification, some desire to re-peruse the reign, in order to mark its correspondence with the character: nor can any just cause be assigned why the princes should, in this respect, be distinguished from the other chief personages. Nor is the private personal character of a monarch always to be discerned in the public

public fortunes of his sovereignty, often the machinations of ministers and parties, though it doubtless have such influence as to deserve great attention: and modern history not permitting such variety of rhetoric and digression, as the ancient classical models afford, it becomes the more important to preserve its legal wealth unviolated, and to diversify the chronicle of wars and treaties by ethnic portraiture, by delineations of men and manners. Yet in this arrangement of the characters it becomes indispensable, that the reign be first composed with complete candour, from the most genuine and unbiassed sources, and meditated in all its relations of time, place, and circumstances, before a just estimate can be prefixed.

Another novelty is the Retrospect, interposed at appropriated epochs, of the state of the country in civilization, government, laws, tactics, agriculture, commerce, literature, and the arts, during a preceding period. The classical page of history, from the age of Herodotus to the latest voice of expiring Rome, is illuminated with such researches, though commonly presented in the form of digressions; but they are certainly deserving of a separate and peculiar niche in the temple of memory. At the same time it would be rash too far to depart from the models venerated
by

by the wisdom of ages; or to forget that the preservation of national events is the allotted province of history. These sketches must therefore be kept in due subservience to the main design, least by an injudicious exuberance of extraneous matter the very nature and name of history perish; and the grandest records of human instruction, the most pleasing pages of general entertainment, become cumbrous volumes of reference, chained to the groaning shelves of libraries. Sufficiently difficult, if performed with a due sense of its importance, is the task of the historian; and he needs little to encroach on other departments of science, upon which for him to dilate would be as absurd as if he were to give the natural history of the animals, and plants, of a kingdom. But when restricted within proper bounds, and in some imitation of classical practice, these sketches may be regarded as not only among the most instructive and interesting parts of history, but as an agreeable variety and relief from the less diversified series of modern events. The author was happy to find that his ideas on this topic completely corresponded with those of the late Mr. Gibbon, who was pleased warmly to express his approbation of this part of the plan, of its arrangement, and of the space allotted to it, as calculated, not to
encumber

encumber and oppress the genuine province of history, but to variegate, enliven, and adorn*.

In the important and interesting division of Scottish history, now before the reader, no pioneer had arisen to clear the way; and the author soon found that the carelessness and inaccuracy, with which it had been treated, exceeded any previous expectation he could have formed. Scarce a step could be advanced, without some doubt arising in fact, or in chronology, so that the information of a paragraph is often the labour of a dissertation. The most skillful will be the first to pardon any mistakes that may remain; and the candour of all is requested for an attempt derived from so many new sources, so many manuscript materials, that after every care, and attention, not a few errors may have escaped notice.

Had the author's abilities been equal to his ambition, it was his object and wish, to have rendered the work

* These remarks may, at the same time, answer the question, why Dr. Henry's plan was not followed: and as little would the author, though he warmly venerate the mutual benefits of the union, be disposed to imitate his example, in sinking the history of an independent, and most memorable, kingdom, in that of a great neighbouring state; an injudicious mixture, productive of perplexity and confusion, while clear ideas can only be attained by separate and distinct views of their history and antiquities.

so complete a model of modern history, so perspicuous, interesting, various, animated, and elegant, as to merit general approbation, as to appear on the toilette as well as in the library: while at the same time, the events, chronology, references, and appendixes, should present an exactness impenetrable by the sharpest spear of the sternest antiquary. Vain hopes! His less sanguine expectations may yet claim the humble merits of patience and labour, the nurses not the parents of genius—may descend from the impervious mountains of ability into the vale of accuracy. Yet even accuracy is not the meanest merit of the historian, though to attain it somewhat too much may perhaps be found to be here sacrificed, in minute notes from diplomatic resources: but in excuse the reader will remember that this particular division of the Scottish history had never before been attempted by any writer versed in common authentication, while Sir David Dalrymple, Dr. Robertson, and other learned and able authors, have minutely illustrated the preceding and succeeding periods. Such notes are not indeed interesting to the general reader, but they occupy little space—and the learned will not blame even a superstitious regard to accuracy and illustration, where much confusion and obscurity had before prevailed: nor can the author be justly censured for the cruel necessity of being his own pioneer, of

VOL. I. A proceeding

proceeding as in an American forest, with most cautious steps through the swamps, and earnestly clearing his way amid the brambles and thickets of perplexity and error.

Not to mention the innumerable new materials used in the various reigns, that of James V, in particular, is almost wholly composed from the original letters of the chief actors; and is perhaps the first attempt of the kind in any language, a few references to such documents having hitherto satisfied the ambition of truth and accuracy. On a comparison with preceding accounts, the reader will judge how much the modern history of all states might be verified, and improved, by such a plan; and how many gross errors remain in the most celebrated pages of history. The task is indeed laborious, but what is temporary labour when compared with eternal truth?

It is a trite remark that an historian should belong to no sect, and no party: with whatever severity and modesty he may estimate his efforts, still his labours, however humble, must in their very nature appeal to posterity; and to pollute his pages with the faction of the day, would be to violate his own dignity, and reject his best reward. This work, begun long before

proceeding

A

that

that change which produced the present opinions and commotions in Europe, was completed in a silent inattention to them; and every sentiment would have been the same, if the publication had taken place ten years ago.

Amid times of singular difficulty, amid objects of far superior importance, should these volumes be received with favour, it would be the author's ambition to complete his design, by composing on the same plan the History of Scotland, from the earliest accounts to the accession of the house of Stuart. In twenty-four books, comprized in two similar volumes, for the documents being more rare the divisions would be more brief, he would arrange the materials contained in his Enquiry into the early part, and the succeeding Annals of Lord Hailes, with numerous important additions and illustrations. The materials for this part are nearly complete; and it would give the author great satisfaction to be encouraged in presenting at length an authentic and legitimate history of his country, disencumbered from those clouds of fable and error, which have so long exposed it to neglect or contempt.

From the reign of Mary to the union of the crowns, and of the kingdoms, so much has been done, that

little it would seem remains for future labour. Yet the untouched manuscript materials might occupy two or three years in the perusal; and perhaps not a few discoveries might be made by indefatigable assiduity. The best form of such a work might be, one decade of history to the union of the crowns, and one of annals to that of the kingdoms: any succeeding events might appear in a chronological abstract, at sufficient length to accompany the general history of a kingdom.

It only remains to admonish the reader, before he proceed to the perusal of this work, that the letter O, prefixed to a reference, implies that the paper is the Original, either written or signed, sealed or dictated, by the party; and that C is the mark of a Copy, generally contemporary, always ancient.

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HISTORY OF SCOTLAND.

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CONTAINING THE REIGN OF ROBERT II.

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THE accession of the family of Stuart to the Scottish throne 1371
deserves the particular attention of the historian. Among
the many families, which have held the regal sceptre in the
various kingdoms of Europe, none have been hailed with equal
applause, none have encountered equal animosity. This house
being at the head of affairs, when many violent effervescences
of party arose, the sober voice of candour has been drowned

1371 in the tumult of numerous partisans. Truth has sighed when she beheld all the weeds of obloquy, and all the flowers of praise, heaped upon the same monument.

But the period is at length arrived, when the violence both of religious, and of political, party was to suffer a considerable abatement. When universal right of conscience shall order governments to refrain from the private business of the bosom; and shall render even the name of toleration ridiculous by tearing down the veil, which obscured the most sacred prerogatives of mankind. When the interested aims of antiquated parties were to become objects of equal neglect to enlightened nations, who began to see that one party alone could serve them, an union of the people against their corrupters and oppressors.

There is a gloomy bigotry in the spirit of party which is inimical to reason, and which clouds the sunshine of the mind. Absurdity becomes as contagious as a pestilence; and many tenets are objects of belief because they are impracticable to argument. Hence we cease to wonder when we behold the human character, so variable in itself, and so liable to every alteration of time and circumstance, supposed to be constant and immutable in one family only. To the jaundiced eye of party the whole House of Stuart became, as it were, one test of political and religious opinion. Instead of granting, according to the dictates of reason and of fact, that the monarchs of that illustrious family were as various in their characters, and conduct, as those of any other genealogy, and country, faction has been so absurd as to form them into one house of fame, or dispraise. One character alone may indeed be ascribed to the whole family, in the sacred term of unfortunate: and their proverbial misfortunes as often contradict the political maxim, that want of success is but another expression for defect of prudence, as they confirm the rigorous observation. If one other general
remark

remark be allowed, it must be, that most of the princes of this family were better qualified for the enjoyments and elegancies of private life, than for the toil and dazzling bustle of royalty; and had little of that tyrannic splendor which pleases the people so much, because they regard the monarch as the public representative, and exult when he shews his spirit by trampling upon them. A mild sovereign may receive the appellation of a tyrant, from his yielding some prerogatives, and thus raising hope and resentment because he concedes not more; while, with equal injustice, a despot may secure popular applause, because his royal spirit preserves the tyranny in pure and uncorrupted pomp. To confirm this observation let the houses of Tudor and of Stuart be compared. But after these preparatory remarks, it is now proper to return to the immediate course of the narration. 1371

The sceptre of Scotland passed to the family of Stuart at an unfortunate period for the acceding progeny. Instead of a new sovereign who might interest the wishes of the nation, by the amiable and splendid promises of youth, or excite its confidence and ambition by the steady spirit of middle age, the reins of government fell into a hand trembling under the weight of years.

In order to enable the reader to form just ideas concerning this important event, it becomes necessary to explain, as briefly as possible, the origin, and progress, of the family of Stuart; and its actual condition when it ascended the Scottish throne.

The fables of adulation have now passed away, and it is acknowledged that we have no certain evidence concerning this family, till the reign of David I, when Walter the son of Alan appears as Steward¹ of Scotland: and there is room to believe

¹ *Dapifer*, a term synonymous with *Seneschalcus*, in France as in Scotland: Du Cange voce *Seneschalcus*. The derivation of the latter word is not clear;

1371 believe that this genealogical appellation points to the noble and ancient English family of Fitz Alan. Walter was succeeded in his high office by Alan his son; who was followed by the second Walter. No action worthy of the historic page is authentically recorded of these three: and the most important intelligence, which we can obtain from their charters, is the situation of their lands; which were chiefly in that western promontory, washed by the fertile and picturesque river Clyde, and now called the shire of Renfrew, then, and since, the territory of the family, and power, of the Stewards². A higher fate awaited Alexander, the fourth Steward of Scotland, who united the adjacent island of Bute to his patrimony by marrying the heiress; for in the year 1255, he appears among the great nobles, who opposed the exorbitant power of the Comyns; and, three years after, is mentioned as one of the

schalc is a servant; *Marischalcus* is the servant who had the charge of the horses; but *Sene* or *Senet* remains unexplained: it may be from *sean* to see, as inspector; or from *segen* a banner, (see Lye Dict. Anglofax.) perhaps it is allied to *sene-scantia*, convivium, Du C. But the most plausible etymology seems to arise from *Senn*, a chief herdsman, *Semiten*, a herd, (*Scheuchzer Iter Alp. I, 49*.) as the wealth of early times consisted of herds and flocks. The office is evident; it was not only the chief of the household, but its power, from the confidence acquired by that station, extended to the collection and management of the revenue; to the administration of justice; and even to the chief direction in war. During the reigns of the first race of France, the Stewards are classed after the bishops and counts: in the time of the second race they follow the *Comites Palatii*: about the year 980 they succeeded to the extinguished office of Mayors of the Palace. But the power was in France found too vast for a subject; and in 1191 the dignity and emoluments began to be reserved to the crown. The office was gradually subdivided into those of Great Master of the Household, Constable or commander in chief, and High Justiciary. Du Cange, ib.

² Crawford's History of the shire of Renfrew, and of the House of Stuart, Edin. 1710, folio, Paisley 1782, 4to. Stewart's Genealogical account of the Stuarts, Edin. 1739, 4to. For the origin of the family consult also the remarks of lord Hailes, Annals I, 358.

regents

regents of Scotland, during the minority of Alexander III; ¹³⁷¹ and, in 1263, he commanded the Scottish army at the contest with the Norwegians near Largs³. James, the next High Steward, was also a regent of Scotland after the unhappy death of Alexander III; shared the fame of Wallace in defence of his country, but soon abandoned him; then resumed the character and exertions of a patriot, and had the merit of being excepted in the amnesty of Edward I. His age alone seems to have restrained him from assisting the early patriotic endeavours of Robert I, for he died in 1309, after a life of sixty six years⁴.

But the prosperous fortunes of this house moved in a yet higher progress, when Walter, the sixth High Steward, strengthened and adorned his country. One of the heroes who divided the danger, and the glory, at Bannockburn, his youthful courage, and tried fidelity, were, the following year, rewarded with the largest gift which a subject could receive, in his marriage with the only daughter of his sovereign. His valour, and his abilities, were confirmed in the public esteem by the defence of Berwick, and by his government of the kingdom in conjunction with Douglas: and his early death was lamented by a grateful people⁵. Robert, the seventh High Steward, was the only

³ Crawf. 12. Stewart, 50. Dalrymple's Annals 1255, 1258. For the battle of Largs, Fordun II, 98, who styles the leader Alexander Stuart of Dundonald, great grandson of Walter the first Steward, and grandfather of Walter who married Marjory daughter of Robert I. Winton ms. 587, says the king commanded in person. The Norwegian accounts are silent concerning the Scottish general. Crawford erroneously quotes Fordun, as asserting that the Steward was killed in the conflict: by Stewart's account, drawn from Sympsen's House of Stuart, Edin. 1712, 8vo, and Abercromby I, 451, he died in 1283, aged 69.

⁴ Crawf. 13—23. Stewart, 51. Dalrymple's Annals 1286, 1297, 1303, &c.

⁵ Crawf. 23—25. Stewart, 52—54. Dalrymple, Vol. II, passim. He died in 1326. Dalr. II, 116.

1371 issue of Walter and the princess: and to him the crown of Scotland was destined to devolve. Distinguished in early youth by his conduct at the battle of Halidon, by his decisive exertions against Edward Baliol; by the singular praise of being appointed, in conjunction with Murray, governor of Scotland, at the age of eighteen, he did not afterwards frustrate the general expectation⁶. Twice sole governor of a fierce and high spirited nation, he confirmed the claim of his birth by the tenor of his actions: and he afterwards ascended the throne, fully experienced in the duties of obedience, and the arts of command.

The actual state of the family, when it became royal, claims our next attention. Rewards for successive services of importance, and the dower of the princely bride, had increased the possessions of the Stuarts to a great number, and extent, in various regions, both in the western and eastern parts of Scotland⁷. Had the territories of Douglas been as detached as those of Stuart, that name had never become formidable to the crown: but chance, and not design, seems to have presided in this distant allotment. The title, and office, of High Steward had succeeded, in France, to the supremacy of the Mairs of the Palace: and in that, and other, countries were soon found too lofty for the ambition of a subject: hence it is not matter of surprize that no territorial dignity was annexed to this distinction, till the year 1359, when the earldom of Strathern devolving into the hands of David II, was by him conferred on Robert, afterwards his successor⁸. But, in 1258, Walter, a cadet of the family, had become Earl of Menteith, by

⁶ Crawf. 26. Stewart, 55. Dalr. II, 165, 174, 175. The Steward was sole regent 1338—1341, and 1346—1357. Dalr. II, 202, 221.

⁷ Crawf. passim.

⁸ Crawf. 26. Additional Case of the Countess of Sutherland by Sir D. Dalrymple, 1770, p. 55.

wedding the heiress⁹; and Sir John Stuart of Bonkill, another 1371
 cadet, was by David II created Earl of Angus; and he and
 his heirs held the estate, while the Umfravilles of England
 grasped at the title for many generations¹. Robert, the
 Steward, had but one brother, Sir John Stuart of Railstoun,
 the only issue of his father's posterior marriage with a sister of
 Graham of Abercorn²; and this brother sleeps in the silent
 shades of heraldry: but the family, by the extent of their
 possessions and connexions, wanted not power to support their
 just title to the throne. Of all the great Scottish families that
 of Douglas alone seems to have been equal, and perhaps su-
 perior, in power. The successor to the sceptre was also for-
 tified by a numerous progeny, ready to assert and to perpetuate
 his claim. By his first wife, Elizabeth daughter of Sir Adam
 More of Rowallan, he had his successor John lord of Kyle,
 created Earl of Carric by David II; Walter earl of Fife;
 Robert, by marrying an heiress of his own family, Earl of
 Menteith, afterwards Earl of Fife likewise, and Duke of Al-
 bany; and Alexander of Badenoch Earl of Buchan: besides
 six daughters, united to the powerful families of March, Lyon
 of Glamis³, Hay of Errol, Mac Donald of Ilay and the Isles,
 Douglas of Nithsdale, Lindsay of Glenesk. Nor was his
 second wife, Euphemia Ross daughter of the Earl of Ross,
 unproductive of additional supports to his family, in David
 afterwards Earl of Strathern; and Walter lord of Buchan,
 Earl of Athol and Caithness, and of Strathern upon his bro-
 ther's death, but to be in a future period branded as the mur-

⁹ Crawf. 11. Stewart, 49. Sutherland Case, 14—18.

¹ Crawf. 13. Stewart, 150. Sutherland Case, 11.

² Crawf. 25. Stewart, 54.

³ In the second year of this reign the *Thanage* of Glamis was granted to John
 Lyon; the *relevium* 10l. Scottstarvet's Calendars, Harl. 4609, f. 109.

1371 derer of James I: and in four daughters, the elder of whom afterwards wedded James earl of Douglas; while the three others were joined to Keith a son of the marshal, and two knights Logan and Swinton⁴. The attachment of Robert to the fair sex also appeared from his natural issue by his concubines, among which six sons are noted by genealogists; and the Stuarts of Bute, Cairney, and others, are of their descendants⁵. It was certainly fortunate for the acceding family that it possessed such internal strength at this crisis; but this chance was overbalanced by peculiar disadvantages.

The King was advanced to his fifty fifth year⁶; and the weakness of his reign sufficiently testifies that age began, and continued, to freeze abilities, which had formerly flowed in a clear and copious stream. His eldest son and heir, the Earl of Carric, had been maimed by a horse⁷, and was lame and weak in body, and of no power of intellect. A personal deformity, which often arouses superior spirit in an individual, is pernicious to princes, in whom not a defect, but a superiority, of dignity is matter of a general expectation, so deeply rooted in our nature, that savage nations often appoint their sovereigns only from superior personal appearance. This remark must also be applied to Robert II himself, whose eyes, disfigured by inflammation, disgusted the beholders⁸. Humanity would pass

⁴ Crawf. 28—30. Stewart 56—58.

⁵ Crawf. 30, 31. Stewart 58—60. "Bel chevalier estoit, et avoit unze filz," says Froissart of Robert II. Tome I, f. v. 256, edit. 1518.

⁶ He was born on the 2d of March 1316. Dalr. II, 65.

⁷ Fordun II, 414. The rebellious steed belonged to Sir James Douglas of Dalkeith, "Johannes Comes de Carrik, ex percussione equi Domini Jacobi Douglas de Dalkeith, quasi claudus effectus."

⁸ Froissart II, f. 177. The ms Bib. Reg. 18 E 1, reads, "Or sen vint le roy Robert d'Escoche, qui estoit ung grant bon homme, a tout ungs rouges yeulx rebrachies ;

pass such topics, did not so much of human history depend on the flightest qualities, or defects of princes. 1371

The person of Robert II was however large and majestic⁹. The qualities of his mind it is difficult to mark with precision. The disease of his eyes seems to have induced a desire of privacy, and age a propensity to indolence, and the indolent are always ruled by those around them. War he shunned, and declined the laborious office of a general; but the leaders whom he appointed were well chosen and successful. In the more difficult and more truly glorious arts of peace, he is intitled to considerable praise. The terrors of justice he knew how to deal impartially to the guilty, while he opened every gate of protection to the innocent. His actions proceeded in a solid and rational tenor; and his promise was the exact standard of his performance. Internal discords his equity appeased; and though his own age, and the infirmity of the apparent heir, rendered his reign feeble, yet his wisdom prevented it from being unfortunate. In a word he is little known to history, because he was a good king, and a good man.

Upon the death of David II the states of the kingdom assembled at Lithgow; and their determination appeared unanimous in the appointment of Robert as successor to the vacant throne¹. But a sudden cloud arose, which threatened all the storms of civil war. William Earl of Douglas unexpectedly claimed the crown, as uniting in himself the dubious pretensions of Comyn, and the solid title of Baliol. Yet the claim was no sooner made than withdrawn. Our elder historians assert that the strong interests of the Earls of Dunbar and

Feb.

rebrachies, ils sembloient de cindal." They were red like sandal-wood; hence his vulgar epithet of blear eye, or watery eyes. Dalr. II, 279; but *ungs* is not *one*, see the Gloss. du Roman de la Rose.

⁹ Fordun, II, 383.

¹ Fordun, II, 382.

1371 Murray, and the yet stronger of Sir Robert Erskine, keeper of the castles of Dunbarton, Edinburgh, and Stirling, appearing decided for the Steward, induced Douglas to resign his expectation; while the historian of the house of Douglas ascribes the desertion of the claim to its own friends². Pretensions, which now strike as vague or usurpative, might not wear that appearance in an age when the rights of succession were fluctuating and undetermined. But prudence certainly did not conspire with ambition upon this occasion, for no previous concert appears, no conciliation of interest; and the claim can only be recommended as a subject of speculation. Had Robert I united his house to that of Douglas, the prosperity of Scotland might perhaps have been more ample under a family that, though subject, shewed a regal spirit; that in war boasts a genealogy of heroes; and that happened to have few of those minorities, which harraressed the kingdom under the Stuarts: but in the more useful honours of peace the latter family seem to have been far superior, and by their merit alone better deserved the sceptre.

Robert, attended by the states, proceeded to Scone, where he March was crowned with the usual ceremonies³: and, to settle the succession, a solemn act was passed by the king and states, declaring John Earl of Carrick, and Steward of Scotland, un-

² Fordun, II, 382. Winton ms. 818. Hume's house of Douglas, I, 160—163.

³ Fordun, II, 383, says on the 25th March; but the ms. Records 4to, in the State Paper Office, fix the 26th March, and add that Landel bishop of St. Andrews officiated. Next day the king, sitting "super montem de Scone," on the moot-hill of Scone, according to custom received the homage of the bishops and peers; among the latter are only enumerated John earl of Carrick Steward of Scotland, William earl of Douglas, the earls of Strathern, Mar, and Men-teith. All paid homage, and took oath of fidelity, except the bishop of Dun-blane, and Archibald Douglas, who only took the oath. Ibid. fol. 58.

doubted

doubted and apparent heir of the kingdom⁴. To conciliate Douglas, his eldest son was honoured with the hand of Euphemia, the King's daughter: and to procure time and opportunity to win the public confidence, before engaging in difficult and important affairs, it was resolved religiously to observe the truce concluded with England, two years before, for the term of fourteen years, and the stated payments due for the ransom of the preceding monarch⁵. At the same time, in order to convince France that a change of politics had happened upon the accession of the new family, the treaty with that country was renewed; and it was specially stipulated that, in case of a competition for the Scottish crown, the King of France should withstand any English influence, and should support the determination of the states of Scotland⁶.

1371
27 Mar.

June

Another

⁴ Extract of this act, Abercr. II, 165. The act itself, Hay's Vind. of El. More, p. 115. On the 3d of the ensuing May, in a privy council held at Edinburgh, (present bishop of St. Andrews, earls Douglas and Carric, Byggar the chancellor, Sir Robert Erskine chamberlain, James Douglas, Hugh de Eglinton, John Lyon keeper of the privy seal,) orders were issued concerning the royal household, domains, and castles, "per modum qui in alio Registro, facto super ordinationibus et factis talibus non perpetuis, continetur." 4to Register, fol. v. 58. The preservation of this invaluable volume leads us deeply to regret the loss of the others.

⁵ See several commissions, and acquittances, of 1371 and 1372, in the 4to Register, fol. 32—35.

⁶ Fordun, II, 392—395: this chapter is transposed, but Bowar, the arranger of Fordun's materials, is a bad chronologer, a charge incident to all our historians including Buchanan.

Fordun gives a translation of the treaty in latin. A copy of the French original may be seen in the 4to Register, fol. 66—68. Robert's commission is dated at Scone, 31 March 1371, regni 1. The alliance was concluded at Vincennes 30 June 1371; and was ratified by Robert at Edinburgh 28 Oct. It is remarkable that this treaty bears to be formed with the "Rois et royaume d'Escoce, et communauté d'Escoce."

1371 Another clause in the same treaty had effects apparently not foreseen, and certainly not wished nor intended. It was agreed reciprocally that the subjects of the allied powers should not serve in the English armies; and different Scottish men, who had, toward the end of the preceding reign, entered into them, in consequence withdrew. This circumstance was considered as an indication of war; and, joined with the jealousy naturally arising from the renewal and amplification of the treaty between Scotland and France, induced the English monarch to use caution and vigilance; and he issued a mandate to the
 1372 Feb. bishop of Durham, ordering that all capable of arms, in the north of England should hold themselves in readiness to oppose any Scottish invasion⁷.

But to such a weakness had the illustrious reign of Edward III fallen, and so disordered was the machine of his government, that from this period to his death, five years after, it is impossible to pronounce from his disposition that there was peace, or from

In the same Register, fol. 68, are preserved the secret articles, dated 30 June. Charles V engages to persuade the pope to declare the truce between England and Scotland void and null; to pay 100,000 nobles towards discharging the ransom of David, or a larger sum if necessary to defray it totally; and the 100,000 nobles, even if not due, towards the expence of a war with England. Before Scotland shall commence hostilities, France is to supply armour for 500 Scottish knights and squires, and for 500 *sargents*, and is to pay the wages of this thousand for two years; the knight to have 3 fols, the squire 18 deniers, the *archier* 9 deniers d'esterlings a day, all paid by the year in advance. France is also to send at her expence 1000 men at arms to Scotland, and to continue the subsidy as the war may demand: the payment to commence at Bruges, half a year after the rupture of the alliance with England. But Robert, naturally addicted to peace, and who saw the impolicy of commencing hostilities at the accession of his family to the throne, appears never to have accepted or ratified these private articles.

⁷ Rymer VI, 713. The affair of Roxburgh, which happened in 1377, is erroneously dated this year by our unchronological writers.

his

his exertion that there was war, between the two kingdoms. ¹³⁷²
 The Scottish king endeavoured to cultivate peace by attentive payment of the ransom, though the English sovereign continued to deny his title, and only condescended to use that of "most noble and potent prince our dear Cousin of Scotland;" and when disposed to war, "our adversary of Scotland^s." But in this respect a similar conduct to the French monarch afforded precedent, and consolation.

In a memorable parliament, held at Scone, committees ^{2 Mar.} were, in imitation of the parliament assembled by David II in his fortieth year, appointed for the general administration of justice; and lords of the articles were chosen. The chief statutes are, that no assessors be permitted to sit in the royal council, that no horses be sold into England, though cattle and sheep may; money exported is to pay forty pence in the pound. No sheriff, *serjant*, or *mair*, is to require presents, or remission of debt. No mandate against the common course of law is to be obeyed, under whatever seal it may be issued. And a long, and severe, ordinance is enacted against murderers, and their abettors^s.

^s Rymer VI, 724. VII, 673, &c.

² 4to Register, fol. v. 58, f. v. 60: the first reference bears the first year of Robert's reign, the last, the second; the parliament continuing to sit after the 26th March, the date of his accession. See also Skene's edition of the statutes of Robert II; but he erroneously dates them the 2d of May 1372, instead of the 2d of March. The earl of Carrick, as Steward, or as High Justiciary, was sworn to enforce the statutes; and the earls, barons, and burghesses to observe them. Skene, *ib.* the Register is defective, two pages being left blank. But it presents curious preliminary notices concerning the committees of justice, and the lords of the articles, confessedly appointed in imitation of the parliament 1370. Some of the burghesses summoned were absent, "from contumacy," or rather neglect; a common grievance, which induced James I to order them to chuse delegates.

1373
Apr. } The attention of Robert was again directed to the succession in a parliament held at Scone. It was provided that, failing John Earl of Carric and his heirs, Robert Earl of Fife and Menteith, Alexander Lord of Badenoch, David Earl of Strathern, and Walter afterwards Earl of Athol, should, in this order of birth, and their heirs, wear the diadem in case of the failure of immediate heirship in any predecessor¹. This act was prudent in one point of view, as calculated to strengthen the succession, and guard against civil war; but, in another, as the apparent heir was infirm, and had no children at the time, it perhaps lent a sanction and support to the ambition of the second son, which had such violent effects in the following reign.

A few succeeding years must have been peaceful and happy, for they supply no materials to history².

1377 But a greater order of affairs opens upon us, when Richard II succeeds to the English throne. Two wars, pregnant with various and important events, distinguish the latter part of the reign of Robert II; and it is the not unuseful province of history to delineate hostilities in particular, as calling forth the greatest exertions of character and talents, and as lasting

¹ Register fol. 63, 1373 regni 3: the act styles them sons of the king, "ex sua prima et secunda uxore:" and, forgetting the sole claim of the house of Stuart, it stigmatizes female succession as dangerous. In the same Register, fol. v. 63, appears a deed by the earl of Douglas, 26 April 1373, narrating that the king had granted him a free-port at North Berwick, but the gift being found injurious to others, he abandons it.

² In the 4th Register, f. 4, is a notarial copy of an instrument, Paris 31 Jan. 1374, purporting that as Margaret Logy, calling herself queen of Scotland, had commenced a process at Rome, the French king, on warm remonstrances from Robert, engages to desire the pope to recall the sentences pronounced. See Dalr. Ann. II, 264, whence it appears that the legality of her divorce from David II was the question.

beacons to warn mankind against the danger of war their ¹³⁷⁷ greatest enemy.

An officer of the Earl of March was slain by the English at Roxburgh, then in their possession; and the Earl, after a vain demand of satisfaction, attacked, ravaged, and burned the town, during a fair, and glutted his followers with slaughter, revenge, and spoil. The English borderers retaliated on the lands of Sir John Gordon, who entering England was encountered by Lilburn, whom after a desperate affray he defeated at Carham³. These border tumults were at length rendered respectable by the interference of the Earl of Northumberland. Arming ten thousand men he proceeded to ravage the lands of March for three days, and returned with considerable booty⁴. Excited by this success the Northumbrians, under some inferior leader, invaded the west marches of Scotland; but met with a different reception, few of them escaping to tell the fate of the rest⁵. And, if we credit an English historian, the government of his country, alarmed at this misfortune, sent Edmund Mortimer Earl of March to treat with the Scots, on the usual day for settling the disputes of the marches; and the truce was renewed with reluctance, and for a short time⁶. Commissions for compromising these disorders were however issued by Richard II, on the twenty seventh day of September this year, and on the first of January following⁷.

The revenge of an individual contributed still further to destroy any remaining harmony between the two nations.

³ Winton ms. 819, 820. Fordun, II, 383. Walsingham hist. p. 197, and Ypodigma Neustria, 136, fixes the date, carelessly omitted by the Scottish compiler, whose chronology is confusion itself.

⁴ Walf. ib. Otterbourn, 148. Fordun, 385, says the English cavalry were dispersed in the night by youths armed with rattles, and a rout ensued.

⁵ Walf. 214.

⁶ Walf. 214.

⁷ Rymer VII, 174, 183.

1378 Mercer a Scottishman, commanding a small fleet of Scottish French and Spanish vessels, suddenly displayed his motley squadron before Scarborough, and captured some valuable English ships of merchandize, because that his father, a wealthy merchant residing in France, had been taken at sea by some Northumbrians, and imprisoned at that place. The father was a man of importance at the French court, esteemed by Charles the Wise, and his advice followed in many points detrimental to the English, and advantageous to the French, commerce. Walsingham expresses unaffected concern that the Earl of Northumberland had executed justice in soon delivering him without ransom; for, adds he, if he had been ransomed by the common rules he might have enriched the king, and kingdom, with inestimable wealth⁸. But though the elder Mercer had been delivered, it would appear that his ships and cargo were not; and that retaliation conspired with revenge to excite his son to this enterprize. The young man, boasting of the exploit, continued to keep the sea, as defying the maritim power of England; till John Philpot, a wealthy and ingenious merchant of London, stung with the disgrace offered to the commerce of his country, fitted out ships of force provided with one thousand men, raised at his own expence, who assaulted and took Mercer, his newly acquired prey, and fifteen Spanish ships which assisted him⁹. The Duke of Lancaster,

⁸ “*Nam si redemptus fuisset captivorum more, regem et regnum inestimabili pecunia divites effecisset.*” p. 212.

It was apparently on this occasion that a letter was written to the English king, by the earl of Douglas and Mar. It terms John Mercer, “*mon homme;*” and says he was detained though cast on shore, contrary to the great truce: “*Mr. Thomas Mercer, mon clerk,*” is also mentioned as captured. See it in that treasure of original pieces, Vesp. F. VII, f. 34.

⁹ Walf. 213.

who

who swayed the councils of the young English monarch, rather ¹³⁷⁸ checked than applauded the spirit of Philpot; and commissioners were appointed to treat with those of Scotland concerning ^{22 Oct.} peace¹.

It is difficult to discover the real pretext, or occasion, of the capture of the castle of Berwick by the Scots this year; and ^{Nov.} the events of this period are not a little embroiled by various and discordant accounts. According to the old English and Scottish writers, this breach of the truce arose from the rashness of a few borderers²; but, if we believe Froissart, it was the consequence of a war, commenced by the determination of the Scottish government. This last account we are disposed to follow; and to infer, from the narrative of its author, that the counsels of France, which aimed to divert the attention of Richard II from the ambitious views of his grandfather, had a share in stimulating the Scots, already stung with repeated insults, to regard the dubious truce in the same light with the English, and to break it when it suited their convenience³. The French historian informs us, that, by direction of Robert II, and his council, a small army was ordered to meet on the borders under the command of Douglas, Murray and Mar. While this host was gradually assembling, an esquire, named Alexander Ramsay, proceeded with forty companions to Berwick. Sending a spy to discover the state of the castle, it was found that there was no water in the ditches, and no guard on the walls. Ramsay and his followers immediately planted ladders, scaled the walls, and came to the keep, where the

¹ Rymer VII, 206.

² Walf. 222, 223. Ypod. 136. Otterbourn, 148. Fordun, II, 391.

³ Mezeray, Abr. III, 98, relates that the Scots now broke the truce with England, instigated by advantages which he mentions, and which correspond with the secret articles of 1371.

1378 commander was in bed, it being apparently early in the day, and he was killed in attempting to escape. An alarm being given the governor of the town ordered the stop and pillars of the drawbridge to be destroyed; and upon the assailants finding that they could not pass, the governor and his people shouted "Are you there? Remain where you are. You shall not escape without our permission." Ramsay resolved to wait for succour from the army, for Douglas had already marched from Dalkeith to Dunbar⁴.

Meanwhile the Earl of Northumberland summoned his array to Berwick; and with ten thousand men besieged the castle, and began a mine. The Scottish barons resolved to raise the siege: and Archibald Douglas, a relation of Ramsay, advanced with a chosen party; but found the English too numerous, and was forced to retire; upon which the castle was taken by assault, and all the Scots slain, except Ramsay who yielded to Lord Percy⁵.

The Earl of Nottingham joined Northumberland, and they resolved to fight the Scottish army if it advanced against them, or, if not, to ravage the southern parts of Scotland. A party of three hundred lances and as many archers was detached, under Musgrave the governor of Berwick, to Melrose, while the rest of the English army advanced to a hamlet near Roxburgh where the Scots lay. Musgrave sent two squires to explore the enemy, who were taken, and discovered the English situation and designs; upon which the Scots resolved to surprize Musgrave, and marching immediately arrived near Melrose at midnight; but a tempest of wind and rain blowing in their faces, they could hardly withstand it's force, and wan-

⁴ Froissart, Tome II, fol. v. 6, edit. 1518, 4to.

⁵ Ibid. f. v. 8. The whole account is compared with the ms. in Bibl. Reg. 18 E 1.

dered from their way. Halting under a wood, and making ¹³⁷⁸ fires, they remained till dawn, when the tempest abated; and, as they were forced to forage, they had some skirmishes with Musgrave's men who were alike employed; and he determined to advance to the right, in order to join the English army, but the Scots amounting to seven hundred lances, and two thousand uncouthly armed, lay in the wood, and intercepted his progress. A conflict being unavoidable Douglas, according to the custom of the times, knighted James his son, and Robert and David, two sons of the king: the battle was quickly decided; Archibald Douglas, lighting on foot, and wielding a sword of enormous length which another man could hardly have held, made great slaughter: Musgrave, his son, and many knights, and squires were taken. The Scottish army retired towards Edinburgh with their captives, while Northumberland and Nottingham could not pursue them, because of the tempestuous season of the year, and were forced to return, and dismiss their men, while the Scots were rejoicing and ransoming their captives at large sums⁶. Such is in abstract the account of Froissart, whose native simplicity, and particularity of detail, lead, whenever he is followed, into some length of narration; but it is hoped, not unpleasing, as it paints the spirit and manners of the times. The Scottish chronicles impute the defeat and capture of Musgrave to Sir John Gordon; and inform us, that Johnston, and others, distinguished themselves in skirmishes with the English upon the western marches⁷.

Though a pestilence now raged in England, the Scottish ¹³⁷⁹ borderers continued their inroads, with the usual barbarity of marauders accustomed to rapine and cruelty⁸. The embarrassing

⁶ Froissart, ib. ⁷ Fordun, II, 385. Winton, 822.

⁸ Walf. 234. This historian, warmly prejudiced against the Scots, styles them, "humani generis inimici," and depicts their cruelty in glaring colours.

1379 ¹ raising affairs of the Duke of Bretagne the English ally, and an indecision which seems to have prevailed in the councils of Richard II at this period, conspired with the pestilence to prevent any exertion to retaliate; as the latter calamity was a sufficient barrier against any important expedition of the Scots.

1380 But in the next year a Scottish vessel, worth seven thousand marks, being taken by English ships from Hull and Newcastle, the Scots, enraged at the loss, entered England under the Earl of Douglas; and piercing Cumberland and Westmoreland, drove from the forest of Inglewood forty thousand domestic animals of different kinds, which a party conducted to Scotland⁹. Douglas with twenty thousand men surrounded the town of Penrith by night, during a fair; ravaged, and burned it, and loaded his army with spoil. Returning by Carlisle they intended to attack that city, but learning that the northern counties of England were armed, and advancing, the Scots determined to secure their prey, with which they were too much incumbered to fight with advantage, and continued their march to their own country¹. The pestilence had not quite abated, and its importation revenged the enemy for their loss; this being the third great attack of this calamity in Scotland, and in which not less than one third part of its people is said to have perished².

He says that they even played at foot-ball with the heads of the slaughtered English, and left the north of England a desert; (see also the Ypod. 137.) They carried off even swine, an animal formerly always left by them: nor, it may be added, are the common people of Scotland yet reconciled to its use. To preserve themselves from the plague, which the English said God in his grace had sent for their repentance, the Scots used this prayer in their own idiom, "*Gode and Saint Mungo, Saint Romain and Saint Andrew, schield us this day fra Goddis grace, and the foule death that Englishmen dien upon.*" Ib.

⁹ Walf. 249. Otterb. 152. ¹ Ibid. Fordun, II, 391. Winton, 823.

² Fordun, ib. Winton, 825.

The Earl of Northumberland meditated an active revenge, ¹³⁸⁰ till he was prevented by an unexpected order from the king to defer the matter to the determination of the next solemn day for the affairs of the marches³. But fifteen hundred English, chiefly of Cumberland, advanced into Scotland with fire and sword, till falling into an ambuscade of five hundred foes, on disadvantageous ground, many were slain, or drowned in the Solway in their flight, and some were made captives⁴.

Happy it is for the two kingdoms, intended by their situation for perpetual union, that those unceasing inroads, destructive of cultivation and of trade, and which enriched the idle and the bad at the expence of the good and industrious, now only harass the march of the historian; who lost, as in the moving sands of a desert, sighs for the pleasing landscape of peace, or the grandeur of some important scene.

The Duke of Lancaster, who managed the councils of his sovereign, had assumed the title of King of Castile; and determined to prosecute his pretensions to that kingdom, arising from his marriage with the daughter of Peter the cruel, by assisting the Portuguese against the reigning prince⁵. It was important to his purpose that a truce should be established with Scotland, either by the terrors of a decisive war, or by the conciliating respect of an honourable embassy: and he resolved to be himself the bearer of both. With a royal commission to adjust the terms of peace, and with a formidable army, he advanced to the borders of Scotland. This armed negotiation was successful; for, in answer to his invitation, the bishops of Dunkeld and Glasgow, the Earls of Douglas and March, and

³ Walf. 249.

⁴ Winton, 824. Fordun, from some erroneous ms. estimates the English at 15,000.

⁵ Rapin, Acta Regia, sub anno.

1380 Archibald Douglas lord of Galloway, appeared as commissioners
 from Scotland; and a truce was concluded at Berwick to last
 Nov. for one year⁶. The English, not apprized of Lancaster's
 original intentions, murmured to see their northern counties
 consumed by his numerous army: and the expence of the
 negotiation, which ended in delaying the ransom of David II,
 and in other concessions, encreased their discontent⁷.

1381 According to an agreement made in concluding the truce,
 June Lancaster again proceeded to Scotland in the following summer,
 but only with his usual train; and he was instigated to use his
 best endeavours for a treaty by a promise of the English council
 that, if he could confirm a truce for three years, they should
 assert his pretensions to Castile, and furnish him with a com-
 petent force to join with that of Portugal⁸. Meeting the
 Earl of Carric, heir of the kingdom, and other Scottish com-
 missioners, at Alcheſter near Aytown, an important conference
 ensued. The Scots complained that, during the truce of four-
 teen years, many infractions had been made by the English
 upon their freedom of intercourse and commerce with England,
 established by that truce; and the fact being denied, they offered
 to submit the evidence to an equal number of noblemen of
 both nations: but the English waved the affair, by offering the
 vague expedient of calling in the mediation of some neigh-
 bouring sovereign. Lancaster however consented that the
 payment of any further part of the ransom should be deferred
 till Candlemas 1383, to which period the treaty was extended;
 and agreed again to meet the Earl of Carric in July that year⁹.
 The insurrection of Wat Tyler prevented the Duke's imme-
 diate return to England, he being apprehensive of the fury of

⁶ Rymer, VII, 268, 276.

⁷ Walf. 254. The expence was 11,000 marks.

⁸ Froissart, II, fol. 79.

⁹ Rymer, VII, 312.

the rebels, from his attachment to Wickliff, and other unpopular actions. He proceeded to the castle of Edinburgh, which, as a mark of honour, was given up to him and his attendants; and he resided there till the subjection of the rebels rendered his return to England secure¹. 1381

A truce of one year concluded between England and France contributed still further to give a respite to the horrors of war: and as treaties were, in that age, understood only to bind the sovereigns who contracted, and not their heirs, the Scottish king sent an embassy to the succeeding French monarch Charles VI, who engaged when war should recommence between England and Scotland, to send to the latter kingdom one thousand men at arms; a formidable force at that period, in which a few knights in panoply were wont to defeat armies of rude infantry. He also promised a thousand sets of armour for as many Scottish gentlemen; and a sum of money to conciliate the court and nobles to enterprizes certainly foreign to the real interests of their country². The ignominious barter of the blood, and prosperity, of the nation for French gold cannot be palliated, but by the confession that it was necessary to maintain an active alliance with France; and that the sums drawn from that country were reputed a compensation to Scotland for being commonly engaged in war solely by her ally. To suppose that any treaty existed, preceding the unhappy and imprudent reign of John Baliol, is to suppose that France was capable of the utmost treachery and impolicy, when she permitted the ruin of Scotland by Edward I; and that the Scots were so

¹ Fordun, II, 396. Winton, 826.

² Register fol. 69. Du Tillet, Recueil f. v. 116. Charles VI had succeeded his father on the 16th Sept. 1380. The treaty was signed at Paris on the 8th April, and ratified by Robert on the 20th August, 1383. Register fol. 69, 70.

1383 improvident as to submit the determination of their crown to an inimical sovereign, instead of their ancient ally³. And even after the active alliance appears, during the reign of David II, an alliance to be written with the tears, and signed with the blood, of Scotland, scarcely can history mention one war, into which France did not conduct that country. But had Scotland been blessed with a more free and democratic government, her peace, her industry, her learning, her happiness, had not been sacrificed to a corrupt aristocracy; for as to the Monarch, supposing that he wished for peace, and had the public interest at heart, how could he at once reject the desire of a necessary ally, and the wishes of an uncontrouled nobility?

July The Duke of Lancaster and the Earl of Carric again met; and the latter agreed to a compensation for some damage done by the Scottish borderers this year to the castle of Wark, and other places in England: but a definitive treaty being again mentioned, Carric declared that he had no powers for that purpose; and the conference dissolved without any further renewal of the pacification⁴.

1384 The truce being thus permitted to expire, a war of real importance, and of a singular and interesting complexion, took place. France had made a brief truce with England, after the part both had taken in the Flemish commotions, to last till midsummer this year: but, by some neglect, Scotland had not been included, and this circumstance was esteemed sufficient to justify an invasion of that country. The Duke of Lancaster, and the Earls of Northumberland and Nottingham, with a considerable army, entered Scotland by Berwick, and ravaged the country up to the walls of Edinburgh, then, as now, the

Easter
28 Mar.

³ "That old league, counted amongst the fables of the ancient Palladines." Drum. Hist. p. 22.

⁴ Rymer, VII, 403. Compare Walf. 330. Ypod. 141.

capital city⁵: from an amiable regard for a place, which had ¹³⁸⁴ been his asylum on a recent occasion, Lancaster would not permit the destruction of Edinburgh, but withdrew his army; and, with an inadequate prey, regained England, before the Scots, who were unprepared, could intercept his retreat⁶. A few villages were burned in this expedition; but the Scottish houses were then slight huts of wood, and easily refitted: and they found time to remove their cattle, and effects, into the forests, and even to carry off the straw roofs of the houses in the capital, as some security against a conflagration⁷. We learn from Froissart that Robert summoned an army, but that the French envoys mean time arrived to notify the truce: although about thirty French knights and esquires, finding no further employ in Flanders, now came to Scotland as a theatre of arms⁸. The King wished for peace; but the barons opposed his intentions, and meeting in the church of St. Giles at Edinburgh resolved on war, and informed the French knights that

⁵ Froissart, II, fol. 159. He informs us, f. 170, that Edinburgh was not so large as Tournay, or Valenciennes; but contained only about four thousand houses.

⁶ Fordun, II, 398. Winton, 829, says Edinburgh was ransomed. Both recite a defeat of a party of the English, who had landed from their vessels near Queensferry: and the continuator of Fordun piously ascribes it to the interference of St. Columba, whose monastery in an island of the Forth they had attempted to consume with fire.

⁷ Walf. 334, a curious and minute account; but the historian is prejudiced against the generous Lancaster, the patron of the Wickliffites. He accuses the waste of time in the north of England, and the liberality of his enmity: and adds that, on Easter eve, the English encamping in a marsh, to avoid surprize, they lost fifty horses by the cold and snow; and the Duke would not permit any forage, which would indeed have been fruitless, as the Scots had withdrawn their effects to their *forests* beyond the Forth, leaving famine to combat the English, unaccustomed to this new enemy.

⁸ Froiss. II, f. 159.

1384 their spirit should be immediately called into action. Without the avowal of the King an expedition was set on foot, and 15000 of such cavalry as Scotland then had were assembled on the borders; who ravaged the lands belonging to Northumberland, Nottingham, and Mowbray, and returned loaded with spoil, before the English had time to collect any force¹. The Earl of Northumberland ravaged the south of Scotland again; and as soon as he dismissed his army the Scots retaliated; so that the summer passed in mutual inroads².

The French knights taking leave, the Scottish barons desired them to send their friends, to enter this new career of glory, by carrying the war into England; and it is said that Jehan de Vienne, Admiral of France, and other potent persons of that country, were instigated by their discourses upon their return, as much as by the recent treaty, to fulfill its conditions next year³. A resolution pregnant with such ruin to Scotland, as even to threaten the subjugation of the kingdom.

At this time the papal influence, which had increased in Scotland by a bull of Gregory XI against intromissions with the effects of deceased bishops⁴, was honoured with an additional support in Wardlaw bishop of Glasgow, who was raised to the rank of Cardinal, and appointed Legate a Latere for Scotland and Ireland with ample powers⁵. The commons, who alone constitute a people or nation, seem only to have been regarded as patient objects of increased exactions both by the nobility and clergy. Few other events of importance happened this year. William Earl of Douglas brought Tividale into a state of fidelity, which had been subject to the English since the battle of Durham; he soon after died, and was suc-

¹ Froiss. II, f. 160.

² Fordun, II, 389.

³ Wals. 336.

⁴ Ibid. 400.

⁵ Froiss. II, f. 162.

ceeded by James his son, a genuine heir to the the valour of ¹³⁸⁴ his family⁵. Near Martinmas the Scots gained the castle of Berwick, by bribing the deputy governor; and Lancaster induced the English parliament to condemn Northumberland, the warden of the marches, as guilty of criminal neglect, or greater baseness upon this occasion. But the earl reinstated himself in favour, by giving a sum to the Scots, for which they consented to restore the fortrefs⁶.

A singular fluctuation, between war and peace, now pervaded ¹³⁸⁵ the distracted counfels of England and France, alike governed by weak monarchs. In the preceding summer the duke of Lancaster for England, the dukes of Berry and Burgundy for France, cardinal Wardlaw and the bishop of Dunkeld, chancellor, for Scotland, had met at Leilinghen, between Calais and Boulogne, and concluded a solemn truce; which was afterwards ratified by Robert⁷. Yet this prevented not a renewal ^{3 Jan.} of the war in the course of a few months.

Archibald Douglas lord of Galloway, finding that his people were infested by the English garrison at Lochmaban, besieged that castle, which he took and levelled with the ground⁸: but ^{4 Feb.} a truce and agreement were nevertheless made between him

⁵ Fordun ib. Winton, 831.

⁶ Walf. 337. Ypod. 141.

⁷ See this famous treaty, Vesp. F. VII, f. v. 31, with Robert's ratification. His commission to his ambassadors is dated 6 June 1384, r. 14. This truce is often referred to in that ms. and in a commission of Richard II in 1390 is especially mentioned to have taken place in his 8th year or 1384. That of 1389 was only regarded as a renewal.

Rymer, VII, 438, gives this truce at *Boulogne-sur-mer* 14 Sept. 1384: but it was afterwards prolonged at Leilinghen, (see 1389) and the first is sometimes styled by the latter appellation, Leilinghen being the place of meeting though not of signature. This formal and solemn treaty only extended to May 1385!

⁸ Fordun, II, 397. Winton, 827.

1385 and the Earl of Northumberland, and confirmed by the English
 15 Mar. King⁹. To preserve Roxburgh from a similar fate the baron
 of Graystock was sent as governor with a powerful supply: he
 was intercepted by the Earl of March at Benrig, the convoy
 seized, many of his people slain, and he himself led captive to
 the castle of Dunbar¹.

April The national council met at Edinburgh, but its ordinances
 were chiefly of a military or a private nature. Charge was given
 that the noblemen, to whose government certain districts had
 been committed during the war, should prepare their forces,
 and order them not to pillage in advancing to the borders: and
 that John Earl of Carric who, in the council of last November,
 had taken upon himself the administration of some points of
 justice, should proceed to the highlands, and call the chiefs into
 his presence to reform the outrages loudly complained of in
 those regions. The inhabitants of Tividale, now restored to
 the Scottish allegiance by Douglas, were ordered to produce
 their titles². This parliament was afterwards prorogued to

⁹ Rymer, VII, 468. The meeting was near Salom, on the Esk, a spot often
 noted for such transactions; and apparently the same with Froissart's *Zedon*.
 How the frontier of Scotland, which formerly extended to the Esk, came to be
 restricted to the Sark, cannot be explained.

¹ Fordun, II, 397. Winton, 828.

² Register, fol. 72, 73. The highland plunderers are termed *Ketherani* or
 Kerns. William de Fenton complained that the baron of Dirlton had taken
 his house, and twice expelled him when restored by law: the royal force and
 aid are ordered to reestablish him. A sad proof of the barbarism of the country,
 where the laws had no force so near the capital. David Earl of Strathern
 accuses his brother Buchan for retaining the barony of Urquhart, which had
 only been let to him by Strathern: to avoid scandal an agreement was recom-
 mended. Carric was desired to dispatch letters of royal authority to Buchan,
 to discover Finlay Lawson, and the two sons of Harald Foulson, who had slain
 some men of Moray, and to bring them and their accomplices to justice.

the twelfth of June, when it issued some regulations concerning the coin ³. 1385

But an event of which there had been no example in Scottish history, and which fortunately was not repeated till the sixteenth century, is to arrest attention by its novelty, and importance.

The government of France determined if possible to deliver that country from the repeated invasions of the English, by carrying the war into England from its northern limits, in conjunction with the Scots, and in compliance with the terms of the late treaty. Jehan de Vienne, Admiral of France, a leader of the first talents and distinction, accordingly sailed from Sluys in Flanders with a thousand men at arms, knights and esquires, twelve hundred complete suits of armour for Scottish gentlemen, and a large sum of money ⁴. France had

May

³ Register, fol. 74. It is ordered that the moneyer strike silver coin, "viz. sterling," each pound of metal to render 29s. 4d. Scottish money. The noble is to pass for 7s. 8d. the ecu 47 French deniers, or 42d. Scottish, the Flemish ecu 47½d. the mouton 50d. all Scottish money. An absolute prohibition is issued against the exportation of coin, on the penalty of forfeiting the whole sum, and even the life of the offender at the king's mercy: foreign merchants who bring victuals, (corn,) wine, or boards, (bordas,) and similar articles, are however allowed to carry off the profits.

⁴ Froissart, II, fol. 164, 166. Hist. de Charles VI par Juvenal des Ursins, Paris 1614, 4to, 1653, folio, p. 46. Vienne was the most celebrated warrior of France in that age. He was lord of Rollans, Clervaux, &c. Admiral of France, and knight of the order of the Annonciade; his father was Guillaume de Vienne lord of Rollans, one of the most ancient nobles of Burgundy. After many eminent services, Jehan de Vienne attended the duke of Bourbon to the siege of Carthage, 1390, and was slain at the rash battle of Nicopolis against the Turks, 26th Sept. 1396, where this veteran led the van and performed prodigies of valour. Dict. de l'Advocat, art. Vienne. Such was his reputation, even in his father's life-time, that he gloried in inscribing on his tomb that he gave birth to so eminent a warrior. St. Foix, Ess. sur Paris, II, 195, edit. 1766.

intended

1385 intended at the same time to attack England on the south with a powerful armament; but this part of the design was abandoned, after an enormous expence incurred in the preparations⁵. Yet her declared intentions, and the vigour and importance of her plans, raised such an alarm in England, that all her power and resources were excited to repel the attack: and the failure of the southern invasion collected the whole tempest upon Scotland, and shook that kingdom to the center. Vienne arrived at Leith with his chosen battalion, which, to use the phrase of Froissart, formed one flower of chivalry; and they were quartered in the villages around Edinburgh, till the King, then in the country, should arrive at that capital. The French historian upon this occasion presents a deplorable picture of the state of Scotland and its people. The poverty of the country, and the barbarism of the nation, appear to have been extreme: the slightest accommodations of life, or even of war, could hardly be procured: every article of iron, or of leather, was imported from Flanders. The French at first laughed, and said that they were happy to know by experience the hardships of penury, and the dark side of a military life; but, as their discontent increased, Vienne could scarcely appease their murmurs. On the other hand the Scots were not less dissatisfied with their guests; they defamed and hated their auxiliaries, as strangers of an unknown speech, as the future sharers of their prey, and as the present consumers of their little property⁶.

⁵ Froissart, II, fol. 166. Des Ursins, p. 9, says a tax of 12 deniers in the livre was proposed in 1380 by the notables, but rejected by the people: in 1385, p. 46, the tax was so heavy that many left France, yet it was consumed by the lords of the court, some of whom were bribed by the English. Vienne's navy amounted to sixty vessels; and the English had prepared a fleet, and a *fire-ship*, to assail them. Ib. p. 47.

⁶ Froiss. II, f. v. 169.

At length the Scottish king arrived; the French money was ¹³⁸⁵ distributed among the leading barons⁷, the armour allotted to proper wearers, and an expedition was determined. An army of about thirty thousand, mounted on small horses, assembled near Edinburgh, under the command of the Earls of Fife and Douglas; and marched, in conjunction with the French chivalry, towards Roxburgh. Entering the English territory, they destroyed two small forts, assaulted and took the castle of Wark; and advancing burned several villages in Northumberland, and ravaged the country from Berwick to Newcastle. But their progress was soon impeded by the tidings that Lancaster was approaching with a great array; and it was resolved to secure the prey by returning into Scotland. Vienne, dissatisfied with this retreat, prevailed on the Scots to besiege Roxburgh; but a dispute arising, upon a claim of the French to garrison and retain the fortress when taken, the siege was abandoned⁸. It appears from Fordun, that the French and Scots made some other predatory incursions into England⁹.

Meanwhile Richard II had made great preparations, and summoned almost the whole force of his kingdom; and finding that the commotions in Flanders had frustrated the southern

⁷ See the account of the distribution in Rymer, VII, 484. The king had 10,000 livres; Douglas 7500, Cardinal Wardlaw 6000, Carric 5500, Archibald Douglas lord of Galloway 5500, March 4000, Fife 3000, James Lindsay 2000, the earl of Moray 1000; the other allotments are from 700 down to 10 livres. The livre of that time might be worth 6s. in weight; but in the comparative scarcity of money at least equal to 4l. in modern currency. Compare the tables of Le Blanc, whence it appears that the livre of the time weighed about 1½ ounce of silver.

In the beginning of July a curious military ordinance was issued, (Register, f. v. 72,) concerning the conduct of the war; for an account of which the reader is referred to the next retrospect of manners, &c.

⁸ Froissart, II, f. v. 177—180. Compare des Urains, p. 47.

⁹ Fordun, II, 401.

1385 invasion of the French, he determined to exert all his power
 Aug. against Scotland. If we credit an English historian his army
 was numerous beyond precedent; and more than three hundred
 thousand horses were employed in various services¹. The
 youthful monarch chose this as his first expedition, and solemn
 entry into the field of military fame; and was attended by his
 uncles, and by the chief nobles of England. The destruction
 of the abbey of Melrose, long respected by the religious awe
 of the English, to whom it had afforded early saints and
 teachers, was the first warlike act of Richard II, the disgrace
 of his arms, and the omen of his mental weakness. Dryburgh,
 and Newbottel, two venerable monasteries, and Edinburgh
 with her churches, were successively given to the flames. The
 Scots, unable openly to contend with an enemy so superior in
 numbers, prudently followed the advice ascribed to Robert the
 Great, by withdrawing their cattle and effects into forests, and
 wilds; and harassing their foes by unceasing ambuscades and
 excursions. The green crops were alone left; and the harvest
 was trampled and destroyed. After remaining five days at
 Edinburgh, the English marched to Stirling, which, with an
 abbey adjacent, was burnt to the ground. One hundred and
 twenty vessels carried provisions for the army, which still ad-
 vancing destroyed Perth and Dundee, and many abbeys and
 monasteries: and the couriers and vanguard even proceeded as
 far as Aberdeen, according to Froissart; but, from the old
 English and Scottish accounts, it rather appears that the English
 expedition only extended to the river Forth².

To divert the fury of this storm, the Scottish army and
 French auxiliaries entered England by the western marches,

¹ Walf. 342.

² Froiss. II, f. 180. Walf. 342. Fordun, II, 401. Winton, 835.

ravaged

ravaged Cumberland, and besieged Carlisle. This invasion ¹³⁸⁵ concurred with the failure of provisions to induce the English king to withdraw his vast army; which accordingly returned towards England by the eastern tract; and disunited councils prevented an encounter with the Scots, who also retired to their own country by the western boundaries³. Such was the issue of a contest, which had excited so great expectation; and which, as usual, far from being advantageous to either kingdom, ended with the lasting detriment of both. At the close of the campaign, the French auxiliaries, exhausted with fatigue and hard fare, could not even procure leave to sail for Flanders, till they consented to pay the expence of their maintenance; and Vienne was forced to remain as an hostage till the sum was paid at Bruges, to Scottish factors, by order of the French government⁴. This treatment was doubtless ungenerous, and the

³ Froiss. II, f. 182. Wals. 344, says the Scots took more prey than the English king, "*cum imperiali exercitu.*"

⁴ Froiss. II, 183. This honest writer vents his rage against the Scots, "*car oncques si mauvaises gens ne virent, ne ne trouverent si faulx, et si trahysires, ne de si petite congnoissance.*" The French had equally disgusted the Scots by their usual petulance; and Vienne himself had ventured on an affair of gallantry with a near relation of the king, to the amazement of their plain and pious allies, strangers to such manners. Des Urins, p. 47: who, with more gayety than became an archbishop, says the French frequented the "*dames et demoiselles*" of Scotland, who received them gladly.

The anonymous historian of the reign of Charles VI, whose ms. work was translated from latin into French by Le Laboureur, and published by him at Paris 1663, 2 vols. folio, also deserves to be consulted by the curious reader, for an account of this celebrated expedition, Vol. I, p. 102. He says Vienne's fleet of sixty ships was nearly burnt by the English, while at anchor, and was afterwards assailed by a furious tempest. On the admiral's arrival in Scotland, "*Il manda par mesme moyen la sterilité, et l'incommodité de subsister dans une terre, qu'il reconnut plus deserte qu'habitée, presque toute couverte de montagnes, et plus pleine de sauvagine que de bestail.*" In invading England

1385 the avarice was disgraceful to the king and the nobles: but
 { one happy effect followed, for it was long before any more of
 those troublesome and insolent inmates infested Scotland.

1387 After a doubtful truce of nearly one year, the war continued
 its progress. William Douglas, whose graceful person and
 warlike fame had procured him the hand of the king's daughter
 Egidia, and the title of lord Nithsdale, resolved to open a long
 neglected field of action, by invading Ireland. Attended only
 by five hundred men he sailed to Carlingford, and assaulted the
 town, whose inhabitants being no strangers to his military
 reputation, resolved to oppose guile to force, and begged a
 respite till they could collect a sum sufficient to ransom the
 place. The Scottish leader, whose honest courage suspected
 no fraud, consented; and was occupied in replenishing his
 ships with provisions, while the people of Carlingford sent to
 Dundalk, and procured an aid of eight hundred horse, which
 joined their own array and advanced against the enemy.
 Nithsdale had only two hundred of his followers on shore, from
 the want of proper boats for landing, and even these few were
 divided, a party having been sent to ravage the country. The
 English resolved to attack both parties, but the greater number
 advanced against Nithsdale; after an obstinate contest the Scots
 obtained the victory; and they immediately took, ravaged, and
 burned the town of Carlingford, despoiled the castle, and loaded
 fifteen Irish ships, then in the harbour, with their prey. On
 their return the isle of Man presented another object of depre-

the French took the castle *Devart* (De Wark?) A second invasion also occurs,
 p. 108. Douglas alone favoured the French. The admiral's amour is men-
 tioned; and it is asserted that the King's *cousine* was not unkind: in revenge
 Robert, and some peers, intended to assassinate the presumptuous Frenchman,
 who was glad to escape. The character of Vienne was afterwards stained by
 his cruelty to the wife and daughter of Pierre de Craon. Ib. p. 215.

dation:

dation: and Nithsdale with his followers arrived safe at Loch Ryan in Galloway, with no small wealth and honour⁵. 1387

The weak, and impolitic, conduct of Richard II distracted the English councils, and discontent pervaded the nation, when the Scots thought the time convenient to retort the ravages of war, which that monarch had carried into their country. An assembly of the Scottish nobles met at Aberdeen, and agreed to appear with their respective vassals in arms at Jedburgh, for an expedition into England⁶. Age had so much impaired the faculties of Robert II that his consent was not expected, nor regarded⁷; and the feebleness of John Earl of Carric the heir apparent, both in body and mind, seemed to increase with his years; so that Robert Earl of Fife, second son of the king, was respected by the nobles, and nation, as the main support of the monarchy, and the only active instrument of its influence. When the army therefore assembled at Jedburgh, he appeared as commander in chief: and to as complete, and firm, battalions as Scotland had ever sent forth, was added the terror of the name of Douglas. About twelve hundred lances, and forty thousand rude infantry, composed an army, rendered still more formidable by the reputation and experience of some of its leaders. These infantry were chiefly accoutred with battle axes; for the Scots were unhappily little skilled in the bow, that perpetual instrument of English triumph⁸. 1388

Uninteresting is the narration of important actions, if not accompanied by those circumstances which recommend them

⁵ Fordun, II, 464.

⁶ Froissart, III, f. 108; "ils ordonnerent une feste sur la frontiere de la sauvage Escoce, en une cite nommee *Berdane*." The ms. Reg. 14 D II, Vol. IV. f. v. 355, reads *Abredane*.

⁷ Ibid. they said, "qu'il ne scavoit guerroyer."

⁸ Froiss. III, f. 108.

1388 to the imagination, and render the reader as it were a present spectator: and one of the chief utilities of history arises from the view of characters and of manners. Upon select occasions therefore it is not improper to descend to the particularity of memoirs, and to compensate pages of annals by now and then painting a momentous, or even a singular, event in all the colours of detail. Without further apology Froissart's account of this expedition, crowned by the celebrated battle of Otterburn, shall be followed; and only with one cause of regret, that it is the last aid to be derived from that remarkable writer, the worthy and honest herald of the times of chivalry⁹.

The Northumbrians, having learned that a Scottish army was collecting, resolved to prepare; and, if the Scots entered England by the western, to repay the invasion by the eastern marches. An English gentleman went to espy the intentions of the enemy, who had advanced to the chapel of Salom, a noted station near the borders: and entering the chapel in the disguise of a servant saw the Scottish nobles assembled, and heard much of their designs. When he withdrew he expected to have found his horse tied to a tree, as he had left him, but he was stolen; and the gentleman's fear, or negligence of art, in walking away without any enquiry, led to suspicion. He was seized, and confessed that the Northumbrians, unable to encounter the inimical numbers, had determined on whatever side England was invaded, to assail Scotland on the opposite. This induced the Scottish leaders to restrain the main army to the protection of their own country, and to order only a strong detachment, under the tried heroism of the Earl of Douglas, to advance into England. At the head of three hundred men

⁹ The subsequent narrative is derived from Tome III, f. 108—117, edit. 1518, 4to; compared with the edition of Verard about 1498, and the mss. The altered editions by Sauvages have been always neglected in this work.

at arms, and of two thousand chosen infantry, Douglas proceeded, without pillaging the country or attacking any place; passed the Tine three miles above Newcastle; and, with the suddenness and destruction of lightning, darted on the county of Durham. When the distant flames, and smoke, of burning villages had given the first tidings of the Scottish arrival, the Earl of Northumberland, then at Alnwick, sent his two sons, Henry and Ralph, to Newcastle, to assemble a force in pursuit of the enemy, while he should gather another on the north, and preclude their retreat. All the country being pillaged to the gates of York¹, and the unfortified towns and villages destroyed, Douglas returned with the spoil, repassed the Tine at the same place; and came before Newcastle, whither the chief people of the neighbouring counties had crowded, to gain the protection of a walled city, and of the two gallant Percies, Henry surnamed Hotspur, and Ralph, his brother in birth and arms. Many skirmishes ensuing, at one of them Douglas won the pennon of Henry Percy, to the great mortification of that undaunted leader and of his followers: and to add to the disgrace Douglas vaunted, "This I shall carry as a sign of thy prowess to Scotland, and shall place it on the pinnacle of my castle to be known by all." Percy retorted with an oath, "Thou shalt never bear it out of Northumberland; and in the end shalt have little cause to boast:" to which Douglas replied, "Then thou must come this night, and take it from before my tent." Next morning the Scots pursued their march; and, assailing a castle without success, wished to proceed, but Douglas commanded them to encamp, in order to see if Percy would advance to recover his pennon, and that, being refreshed,

¹ This is confessed by the English monarch himself, in a deed published by Rymer, VII, 594.

they

1388 they should again attack the fortress in the morning. They accordingly fortified their station with felled trees, to prevent a surprize; and next day captured the castle, and pursued their journey towards the main army, till they came to Otterburn, a hamlet amid the wilds of the parish of Elfdon, about thirty miles northwest of Newcastle, and about twenty from the Scottish borders, which was to be a scene of celebrity to the bard and to the historian.

Meanwhile Percy wished to pursue the Scottish detachment, but was restrained by the tidings that the main army was near, and ready to support Douglas; till the couriers brought certain intelligence that they were far distant, and incapable of effecting a junction for some days. Percy, with his usual impetuosity, instantly cried, "To horse!" it being early in the morning; and left Newcastle attended by six hundred lances, or knights and squires, and eight thousand infantry accoutred with the dreadful long-bows of England. After a forced march, they reached the Scottish camp at Otterburn late in the evening. The Scots had supped, some had even retired to rest fatigued with various exertion; and the English began to enter the outer entrenchment, where the servants were stationed, shouting "Percy! Percy!" but they found it well fortified. Some infantry was ordered to support the servants, by the Scottish chiefs, who in the mean time armed in haste, and arrayed their men under their banners. Night was now advanced; but the 19 Aug. moon shone clear in a serene sky of the month of August.

The Scots, armed, and arranged, proceeded, not towards the assailants, but around an eminence; and attacking the enemy in the rear raised all at once the cry of battle, upon which the English in surprize turned, strengthened their ranks, and re-founded "Percy!" in answer to the Scottish acclaim of "Douglas." After a severe contest the Scots were on the point

point of yielding to numbers, when the Earl of Douglas, 1388
ardently pushed forward his banner; and both the Percies
advanced against him, with equal impetuosity, so that the
Scots recoiled, and, had not the valour of the two Hepburns
opposed, the banner of Douglas had been taken. Douglas,
irritated by the apprehension of disgrace, roused all his strength
and courage; and, brandishing a two-handed battle-ax, opened
the thick files of the foe, as with a long avenue, despising
numerous blows, and committing his life to the temper of his
armour. He had advanced far from his battalions, when he
fell under three mortal wounds. But ignorance of his fate
forbad the English to triumph, and the Scots to despair. The
former only saw that some valiant man at arms had fallen:
and the latter were inspirited by the Earls of March and Moray
to follow a tract, which they knew not had conducted their
leader to death. Fortune now began to favour the Scots.
Ralph Percy, advancing too far in return, was severely wounded,
and taken prisoner by Maxwell, a knight who followed Moray:
and the English, exhausted with a fatiguing march and an
obstinate contest, began to exhibit symptoms of depression and
defeat.

Douglas, faint with the loss of blood, and sensible of the
approaches of death, was defended by his valiant chaplain,
William of Northberwick. His banner lay on the ground,
not far from him, the bearer being slain, when Lindsay,
Sinclair, and some other knights, pierced through the now
yielding foe, and reached the spot, and bespoke their general.
Even trifles in such a conversation are interesting. "Cousin,
how goes it?" said Sinclair. Douglas answered "But so, so.
Praised be God few of my ancestors have died in chambers or
beds—Avenge me, for I die—My heart faints too repeatedly.
Raise again my banner, and shout Douglas! But tell neither
friend

1388 friend nor foe how it fares with me, for my enemies would
 { exult, and my friends be disconsolate." The banner was
 erected; the whole field resounded with the animating cry of
 Douglas! and the Scots, excited as with the voice of victory,
 instantly formed one phalanx, and with levelled spears pushed
 the enemy to flight.

Henry Percy was taken prisoner by Montgomery: and the
 defeat was complete. Radman, the governor of Berwick,
 was almost the only Englishman of note who escaped: and the
 Scots pursued the chase for five miles. The number of the
 English slain is computed at twelve hundred. Such was the
 battle at Otterburn, which Froissart represents as the most
 eminent fought in his time, for heroic bravery on both sides,
 and the real spirit of war. He also highly applauds the courtesy
 shewn by the Scots to their prisoners; and observes that both
 nations were not less laudable for their benevolence after a
 battle, than for their courage during its rage².

Douglas was carried to his tent, where he soon expired:
 but, though dispirited at the loss of their leader, the Scots
 determined to maintain their strong station against the fresh
 English army which approached. For the bishop of Durham
 had reached Newcastle, the night of the battle, with seven
 thousand men, two thousand of whom were cavalry: but a
 conjunction was prevented by Percy's impetuosity. Advancing
 next morning he was met by the fugitives from Otterburn,
 whose tidings raised such dismay, that all his followers fled
 back to Newcastle, except five hundred, with whom the bishop
 was at last also constrained to regain that city. Here he found
 means to inspirit his followers, and the inhabitants; so that he
 marched next morning in quest of the Scots attended by ten

² Froissart, III, f. 113.

thousand. The Scottish scouts, the day after, notifying his approach, their chiefs determined not to leave their camp, as they had many wounded and prisoners to attend: and, when the bishop came within a mile's distance, they began all at once to sound their horns in a loud discordance of warlike music. After a pause, the same horrible din of defiance was repeated; and the bishop arranging his host, and advancing within two bow-shots, was again saluted with the thundering noise. Observing the strength of the rude fortification, and that its possessors were too prudent to desert its advantages, the English, after a brief council, retreated: and the Scots having refreshed themselves prepared to march. Ralph Percy requesting permission to go to Newcastle, to have his wounds attended, the Earl of Moray consented, and ordered him to be conveyed in a litter. The Scottish march, instead of triumphant seemed funereal, and the joy of success was tempered with tears; for the body of Douglas, inclosed in a coffin, and borne on a car, formed the chief object in the progress.³

The main army, under the Earl of Fife, who appears to have had but mean talents for war, was now lying near Carlisle; and not a little envied the successful detachment; for the victory, and the gain by ransoms, were esteemed the most remarkable which had occurred since the day of Bannocburn.⁴

An assembly of the three estates being summoned to Edinburgh, solemnly recognized Robert Earl of Fife governor of

³ Froissart, III, f. 117.

⁴ Ibid. The ransoms were estimated at 200,000 francs. Robert III granted to Henry *Preston*, for the redemption of Ralph Percy, the lands and barony of Frondlin, Aberdeenshire, the town of Fyvie and place thereof, the town of Meikle Gaidies, the five-mark land of Parkhill. Scott. Cal. f. 104. Froissart apparently errs in the name of his captor. Yet Mar had 20l. a year for a third of it, the whole exceeding 600l. Cal. f. 114.

1389 the kingdom; an elevation for which he was apparently as much indebted to his own intrigues, as to the age of the king, and the weakness of the successor^s. The latter seems, from the parliamentary acts of this reign, to have formerly stood in that high capacity: and the king commonly shunned the pomp, and, it is suspected, the duties of royalty, by residing on his parental estate, an example followed by his successor, though impolitic in an eminent degree. Preferring the remote mansions of the Stuarts to the central and accustomed residences of the Scottish sovereigns, they seemed to forget their rank, their office, their people; and removed from the scene of action, from the vital heart of the kingdom, the monarch could only be seen by the nation in a dangerous representative. Assemblies of the states seem to have been seldom held, an aristocratic council decided upon peace and war, and upon the best interests of the people; but this fault was common to England and most European kingdoms at this period; while the appointment of the second son, as governor of the state, to the prejudice of the heir apparent, may be regarded as a new and dangerous precedent, declarative of great weakness upon the one part, and upon the other of baneful ambition.

881 The new Regent, desirous to signalize the commencement of his power, assembled an army on the borders against the Earl of Nottingham, Marshal of England, lately appointed Warden of the eastern marches; and who, in the usual concomitance of pride and weakness, had reproached the Percies for the loss at Otterburn, where their army was far more numerous than that of the Scots; and boasted that he hoped to vanquish, even if opposed by numbers doubling his own. But when Fife accompanied by Archibald, the succeeding Earl

^s Fordun, II, 414. Winton, 845.

of Douglas, and by other nobles, poured his array into England, ¹³⁸⁹ the Earl Marshal restrained his men in a secure and inaccessible station; and to a challenge of the Regent, inviting him to descend and fulfil his threats, he replied that "he had no orders to expose the lieges of his sovereign to any danger." This answer was received with peals of laughter; and the Scottish army, after standing in defiance half the day with banners displayed, ravaged the adjacent country, and returned⁶.

A respite was at length given to the war, by a truce formed between France and England for three years, in which their allies were included⁷. Those of France were the kings of the Romans, Scotland, Arragon, Navarre; the Scottish Earl of March, the isle of Man, the Dukes of Brabant, the Republic of Genoa. And the allies of England were the king of the Romans, with those of Portugal and Arragon, the Earl of Salisbury, the lordship of Man, the Duke of Gelder, John Lord of the Isles of Scotland, and the Republic of Genoa. An embassy being sent from England, to notify the truce, and desire the consent of Scotland, the envoys were by the Governor remitted to the king, who agreed as from deference to France. The Earls of Salisbury and March appear to have been named in this truce, in consequence of their claims to the isle of Man, and some debateable lands upon the borders. The Lords of the Isles were really independent of Scotland, and by their fleets maintained their power in the isles, and over the western highlands, while the Scottish kings had no fleet to oppose them, and could not attack mountainous regions inaccessible to armies. The brief and confined conquests of Alexander III and Robert I, had not

⁶ Fordun, II, 414. Winton, 846. Walsingham only mentions the burning of Tinmouth by the Scots. Ypod. 144.

⁷ Rymer, VII, 622.

1389 overcome the old Norwegian spirit; and the Hebudes must
 be regarded with truth as an independent principality, till the
 sixteenth century: had the lords been told of their occasional
 submission to Scotland, they would have retorted by instances
 of the like necessity forced upon that country by England.
 But the circumstance, which especially induced the mention
 of these princes in the truce, was a treaty concluded between
 Richard II, and the Lord of the Isles, in the preceding year⁸.

June This short pacification was the last important act of Robert II,
 1390 who died at his castle of Dundonald in Kyle, a few miles south
 19 Apr. of Irwin, after a short illness, in the seventy fifth year of his
 age⁹; having completed nineteen years of a reign, mingled
 with various fortune, but upon the whole neither unsuccessful,
 nor inglorious.

⁸ Rymer, VII, 592. ⁹ Fordun, II, 415. Winton, 851.

BOOK II.

CONTAINING THE REIGN OF ROBERT III.

Character of Robert III—disorders in the highlands—truce with England—feuds—title of Duke—war with Henry IV—expedition of that king—Rothsay's character and marriage—defection of March—incurfions—parliament—murder of Rothsay—incurfions—battle of Homildon—cruelty of Henry Percy—murder of Drummond—fiege of Coklaws—captivity of prince James—Northumberland's rebellion—death of the king.

JOH^N, the eldeft fon of the deceased monarch, afcended ¹³⁹⁰ the throne; and his name being reputed inauspicious to royalty, he affumed that of Robert, recommended by the virtues and the glory of Robert I, and by the acceffion of the Houfe of Stuart under the preceding fovereign¹. Power depending wholly upon opinion, princes are often forced to facrifice even to the fuperftitions of the vulgar. Robert III had apparently exceeded his fiftieth year, when he began to reign, and had been wedded at leaft thirty three years to Annabella Drummond, daughter of Sir John Drummond of Stobhall; by whom he had, however, no children till the

¹ The unfortunate reigns of John of England, John of France, and John Baliol, feem alone to have been confidered. Had the histories of Caftille, Arragon, Portugal, Denmark, &c. been confulted, this vague idea muft have paffed away. James was, in Scotch hiftory, a moft unhappy name; yet was continued to fix fovereigns.

1390 year 1378, when David, afterwards Duke of Rothsay, was born; and James his other son did not appear till the fifth year of his father's reign, being the first royal birth in the family. Three daughters, to be married to the Earl of Douglas, the Earl of Angus, and Lord Dalkeith; and two natural sons, completed the progeny of Robert III².

Though this monarch had been lamed by an unfortunate accident, yet his person was tall and graceful: his florid countenance, and vivacious eyes, joined with the snowy whiteness of his beard, rendered him an object at once pleasing and majestic. But his indolent meekness, his piety, his saint-like humility, are fitter themes of praise to the monk than to the philosopher, who knows that the virtues of a king are the virtues of ability, and of action; and that the most acceptable service to the Deity consists in the service of mankind. The lenity of Robert III may be vindicated from the yet new elevation of a family, accustomed to regard the nobles as equals and brothers; but it unhappily tended to increase the power of the aristocracy, and add to the consequent stock of public calamity. Yet the years of his reign were fertile, and the people were contented: though in the continuous struggles with England for political freedom, it is no wonder that internal liberty made no progress; and that the Scots remembered that they were soldiers, but forgot that they were men³.

Before the coronation of the new sovereign had taken place, an event occurred, ominous and disgraceful to his reign. His

² Bowar, 391. Crawf. House of Stuart, 31. Stewart's Gen. 62. In 1356, or thirty four years before this period, we find John Stuart, afterwards Robert III, subduing Annandale, Dalr. Ann. II, 238; but his precise age remains uncertain. In 1357 his marriage with Annabella is mentioned in a charter. Abercr. II, 157.

³ For the character of Robert III compare Bowar II, 440.

brother,

brother, the Earl of Buchan, freed from parental controul, ¹³⁹⁰ and knowing that the sceptre had fallen into a weak hand, ^{17 June} collected his highlanders, and burned the cathedral of Elgin, esteemed one of the chief ornaments of the country, in revenge of some quarrel with the bishop of Moray. It appears not that he was even questioned for a fact, which united barbarity with profanation; while, had he received the highest punishment, a more useful or striking example could not have been instituted, to curb a turbulent nobility, and teach them obedience to laws, and to the sovereign the guardian of laws[†].

The ceremonies of the funeral of Robert II, and the installment of his successor, being celebrated at Scone, the king's ^{13 and 14} first attention was directed to the confirmation of the truce ^{Aug.}

[†] Bowar, II, 416. Winton, 860. Chartul. Morav. apud Shaw's Moray, 412. The day of St. Botulf is the 17th June: Britannia Sancta, sub die.

About this time William Douglas, the valiant lord of Nithsdale, was slain by the English on the bridge of Dantzic in Prussia. Bowar, II, 416. The Prussian chronicles seem to be silent; and the *Transacta inter Angliam et Poloniam*, Cotton Lib. Nero, B. II, have been consulted in vain, though copious in papers of this period: a solemn treaty having been concluded between England and the Grand Master of the Teutonic order in 1387. In 1402 Henry IV was to complain that no English woman was allowed to land in Prussia, a regulation perhaps arising from their beauty being dangerous to the chastity of the knights. In that year there were thirty two English ships in the ports of *Prussia*, yet the Poles favoured the Scots. Ibid. sub annis. It is well known that numerous Scottish adventurers have settled in Poland.

The curious Memoirs of Marechal Boucicaut, written by a contemporary, and published at Paris by Godefroy, 1620, 4to, mention ch. 18, p. 66, that Boucicaut went to Prussia, for the third time, to revenge the death of Messire Guillaume Douglas, (after Bourbon had proceeded to Barbary against the infidels.) Many strangers had assembled at Konigsberg, to join the Grand Master in his war against the *Saracens*, (infidels of Prussia;) and Douglas had been slain by the treason of the English, whom Boucicaut defied, but was answered that the vengeance belonged only to the Scots. The Grand Master was dead, but the infidels were defeated at *Leſta*.

with

1390 with England, and the renewal of the league with France⁵.

The Earl of Fife still managed the public affairs⁶, which continued for the first eight years of this reign in a state of external peace, but were somewhat disturbed at home by inroads of the highlanders, distinguished by French and domestic writers, from early times to the present century, as the savages of Scotland.

1392 One of their incursions into Angus has been esteemed worthy of historical preservation. According to Bowar, the continuator of Fordun, it was conducted by Duncan Stuart, a natural son of the Earl of Buchan; but Winton's account bears, by three highland chieftains, Thomas, Patrick, and Gibbon, sons of one Duncan. Sir David Lindsay of Glenesk, hearing that an inroad was intended, sent a spy to discover the circumstances of the design; but he never returned; and the highlanders,

⁵ Winton, 859. Bowar, the continuator of Fordun II, 418. As Fordun's materials closed about 1385, his continuator shall henceforth be quoted: his name is spelled as it appears in old Scottish charters in Scotstarvet's Calendars, and in his own work, p. 447.

The renewal of the league with France was ratified by Robert at Edinburgh, 1 Dec. 1390: Register, f. 65. ms. Leagues France and Scotland. It refers to that of 1371.

⁶ Bowar, 420, styles Fife the *Governor*, "coram rege et gubernatore;" yet the power is more certain than the title. In Vesp. F. VII, f. 29, are instructions to Henry Percy, Scroop, &c. 27 May, regni xiii—1390, to demand the remainder of David's ransom, being 24,000 marks: "le Roy d'Escoce, et le Comte de Fyff Gardein d'Escoce," are mentioned. In 1391 are instructions, ib. f. 30, requiring the homage of the Scottish peers, clergy, and commons, and that Robert should attend the English parliament: the sum of 2000*l.* a year is demanded, as arising from Edward Baliol's lands, assigned to the kings of England, viz. Berwick, Roxburgh, Edinburgh, and all the possessions of these monarchs in Scotland at the time of the truce of 14 years, between Edward III and David II, &c. These extravagant demands seem to have been occasioned by Robert's renewal of the French league; and, if proposed, were treated with due contempt. But Robert accepted the treaty of Leilinghen: ib. f. 36, n. 1.

exceeding

exceeding three hundred in number, rushed into the plains. 1392
 Sir Walter Ogilvy, Sheriff of Angus, and Sir Patrick Gray, }
 collected their followers, and marched against the plunderers,
 whom they found at Glasclune in Stormont; and a conflict
 began, during which the Sheriff was joined by Sir David
 Lindsay. The highland ferocity prevailed; and the Sheriff,
 with his half-brother Walter Lichton, and sixty of his people,
 were slain; and Lindsay and Gray wounded⁷. That any
 chastisement was inflicted on the marauders does not appear
 from the original account; but it would have been happy if
 Robert III had possessed sufficient benevolence and ability to
 impart some degree of civilization to this unhappy part of his
 subjects, and to have fulfilled the noblest duties of royalty by
 the propagation of law, peace, and industry.

The insanity of Charles VI of France, which appeared this
 summer, and the consequent distracted state of affairs in that
 kingdom, conspired with the English discontents, under the
 maladministration of Richard II, to render a prolongation of
 the truce of Leilinghen expedient: and it was accordingly
 extended at different times to Michaelmas 1394, and afterwards 16 Aug.
 to the same term in 1398⁸. This constant repetition of truces
 between England and Scotland, unknown to any other history,
 is tedious and unpleasing in every view. One is led to imagine
 that the system of Hobbes is founded in truth, and that war is
 the natural state of man. But peculiar circumstances contri-
 buted to this inveterate and lengthened enmity. The conduct
 of Edward I, when chosen the friendly arbiter of the disputes
 concerning the Scottish succession, was unkingly and ungenerous
 beyond example; and destroyed the most sacred rules of society,
 and every bond of mutual confidence, and of public faith. It

⁷ Bowar, 420. Winton, 863. ⁸ Rymer, VII, 714, 769, &c.

1392 is no wonder then that the Scottish nation had converted all their antient regard for the English into a rooted enmity; and that the situation of the two nations confined in one island occasioned continuous war. The ambition of sovereigns, that chief scourge of mankind, and spring of slaughter, led the English kings to maintain the lofty pretensions of Edward I, and untaught by experience to hope the vain conquest of Scotland; nor could they abandon their claims lest justice should be interpreted want of power, and the highest wisdom accounted imbecility. Such evils could arise from the ambition of one man! The inadmission, or dubious grant, of the title of the Scottish sovereigns, was an insult to them, and to the nation; which, with the unjust pretensions on the one side, and jealousy and revenge on the other, precluded all hopes of solid and lasting peace. When we find Henry VIII, in 1542, repeating the extravagant claims of the first Edward, almost in his own words, we must exult in those happy events which terminated a discord that threatened to be perpetual⁹.

Our historians, barren in the important provinces of internal government, national freedom or slavery, laws, and manners, and arts, have condescended to preserve two incidents of little importance, but to shew the barbarous spirit of the times.

⁹ In 1394 occur two letters from Annabella queen of Scotland to Richard II. Vesp. F. VII, f. v. 38, n. 2, and f. 39, n. 1. The first, dated 28 May, says that the time of conference, proposed for a marriage between certain persons of their families, is too short, as the king was then in a distant part of the country: the second, 1 Aug. mentions that the queen was just recovered from child-bed (of James I;) but that the 1st of October would be a proper time for ambassadors to meet, and consider the marriage, between "AUCUNS procheins de votre sanc, et AUCUNE des enfans du Roi, mon seigneur, et de nous." The male hence appears to have been English. Compare the commission of Richard for the marriage in Rymer, VII, 787, dated 27 Aug. 1394.

In the same year John Dunbar earl of Moray was wounded in a tourney at London, and died at York on his return. Caxton's Higden, f. v. 398.

A feud

A feud arising between Lindsay of Crawford and Robert 1395
Keith, also a man of wealth and distinction, the latter laid 
siege to the castle of Fyvie in Buchan, inhabited by his own
aunt the wife of Lindsay. Gathering between three or four
hundred of his friends and followers, Lindsay passed the Gram-
pian hills, called the *Mounth* or *Mound* by our old writers, and
was met by Keith at Bourtie church, in the Garioch, Aber-
deenshire. In the conflict Keith was discomfited, with the
loss of about fifty men¹.

The north of Scotland being disturbed by continual feuds, 1396
between the two highland factions of Clan Kay, commanded
by one Shee-beg and his relations, and Clan Quhele under a
Christie Jonson², which could be appeased by no authority
nor art of the king, or Fife the governor, it was at last adjusted
by the Earl of Moray and Lindsay of Crawford, that the dis-
pute should be terminated by thirty men, appointed upon either
side to fight in the royal presence at Perth. Having met on
the day named before the king, governor, many nobles and
a great multitude, eager to see this novelty, one of the Clan
Kay felt his heart fail, and escaped by swimming across the
Tay, upon which a clown who was present offered to supply
his place for half a mark. A fierce battle ensued with bows,
battle axes, swords, and daggers; and ended in the defeat of
Clan Kay, who had only the mercenary left alive, while eleven
of the opponents kepted the field³. The highlanders were

¹ Winton, 866.

² Winton, 868, calls the clans, of "wyld Scottis," *Sha* and *Quhele*; and the leader of the former by his account was Sha Farquharson, apparently the Shea-Beg, or Sha the little, of Bowar.

³ Winton, 868, but he says the conflict was indecisive. Bowar, II, 420, 421. The modern improvements, or corruptions, of the tale are beneath notice; they unaccountably originate with Lesley and Buchanan.

1396 afterwards more quiet for a few years: but it might be said
 upon this occasion that a public spectacle had been appointed,
 to manifest to the nation that the government was without
 power, and the laws without force.

1398
 March

To resume a more important train of events, David Earl
 of Carric, eldest son of the king, the Earl of Fife, and other
 Scottish commissioners met John Duke of Aquitaine and Lan-
 caster, and others, on the part of England, according to an
 agreement made in the preceding year, at Haudenstank on
 the marches; and the truce was renewed to Michaelmas 1399⁴.
 It is not improbable that the superior title of the English Duke
 led to some claim of precedence, or respect, not relished by
 28 April the Scottish princes, for in the course of this summer we find
 the first appearance of the ducal title in Scotland⁵; and its
 appropriation affords another proof of the king's weakness,
 and of the governor's insatiable ambition. The heir apparent
 of the kingdom was created Duke of Rothsay, a miserable
 hamlet in the isle of Bute, while the whole island would not
 have afforded a territorial title to a baron; and the Earl of
 Fife had the real style of heir apparent, in the title of Duke
 of Albany, or of all Scotland north of the firths of Clyde and
 Forth. That such a perversion should have continued to our
 own times, is only an instance of that inattention, and blind
 imitation, so natural to mankind. These titles were conferred
 in a solemn council held at Scone: and prince David, then in
 his twentieth year, appeared as the leader of a tournament,
 exhibited at Edinburgh by the queen's command⁶. Chivalry

⁴ Rymer, VIII, 33. A letter of Carric to John of Gaunt occurs, Vesp.
 F. VII, f. 68, n. 2.

⁵ Bowar, 422. Winton, 873.

⁶ Bowar, 421, says it was held near the North Loch, "ubi nunc est lacus;"
 does this imply that the lake was recent?

now reigned in both kingdoms: Morley, an English gentleman, came to Scotland to challenge combats, as David Lindsay, created Earl of Crawford, had some years before been an actor in the splendid tournaments of Richard II⁷. 1398

A fresh congress of commissioners was held, to establish further articles of truce; and guarantees were appointed for more effectual security of the borders, and to act as guardians of the peace, in preventing or chastising any limitary depredation⁸. A difference was compromised which had arisen on the capture of a Scottish vessel, having on board Sir John Hamilton of Cadyou, ancestor of the Dukes of Hamilton, and other men of rank, by immediate restoration, deliverance, and compensation for the damages⁹. But the family of Douglas seem not to have been pleased with the appearances of amity between the kingdoms, which the critical situation of Richard II, owing to the revolt of Ireland, had led him to wish; for the Earl's son, with Sir William Stuart and others, broke down the bridge at Roxburgh, plundered the town, and ravaged the adjacent lands¹. This expedition may however have been a mere folly of intemperate courage, for the Earl of Douglas soon after consented, as warden of the western marches, to observe the truce, and gave securities for that purpose². The English king, intent upon his Irish expedition, was now anxious to establish a real and lasting peace with Scotland, and instructed his ambassadors to use every endeavour for this end, or at any rate to procure a long truce. The Dukes of Lancaster and Rothsay again met; but only confirmed the truce formerly established, to last till Michael-

⁷ Bowar, 421—424. Winton, 853. ⁸ Rymer, VIII, 54. ⁹ Ibid. 57.

¹ Ibid. Winton, 870, seems to narrate this incident, but has erroneously put Jedburgh.

² Rymer, VIII, 58, 59, &c

1398 mas 1399³. Lancaster had long been Lord Lieutenant of the English marches, and being of course the chief instrument in the negotiations, it is not matter of surprize that they did not succeed, when we consider the differences between him and Richard. Upon his death in the ensuing year, his son, 1399 irritated by the injustice of his sovereign, returned from his Sept. 30. short banishment, dethroned Richard II; and is known by the name of Henry IV, as the successful usurper of the English crown.

While the parliament of England was occupied with the deposition of one sovereign, and the appointment of another⁴, the Scottish borderers took and ruined the castle of Wark, the governor Sir Thomas Gray then being absent upon his parliamentary duty, and ravaged the adjacent country⁵. Henry IV soon after nominated Ralph Neville earl of Westmoreland to treat with Scotland; and, in case that a peace or truce could not be obtained, to offer an agreement that the towns of Dumfries in Scotland, and Penrith in England, should be declared free from any hostility⁶. This and another commission, granted in the end of the year, were alike ineffectual.

³ Rymer, VIII, 65.

⁴ Winton, 879, 880, tells a strange story of Richard II being discovered in the Hebudes, by an Irish lady named Bisset, wedded to the brother of the lord of the Isles. This Richard was however maintained by Robert III, and by Albany the regent: he was indeavour, and seemed distracted, says Winton. Bowar, 427, believes the tale. The riming chronicler gives, p. 880, an incoherent account of the seizure of *Dumbarton* castle, by the parson of Kincardin O Neil.

⁵ Walf. 403. But Umfraville defeated the Scots at Redswyre, on another inroad. Harding, f. 199.

⁶ Rymer, VIII, 107. Abercromby unaccountably styles Westmoreland the brother of Henry IV; in which he is blindly followed by Guthrie. Robert had, in his letters, only addressed Henry as duke of Lancaster. Vesp. F. VII, f. 59, n. 3. dated 2 Nov. and f. 66, n. 1.

The malady of the monarch, and the disturbed condition of France, prevented any exertion against the new English king, though that power did not behold with indifference her ally Richard II hurled from the throne, and the intrusion of a prudent and spirited usurper. She excited Scotland to revenge her quarrel by vexatious inroads: and early in the year 1399 Henry summoned his council, to consider the most effectual means of retorting vengeance⁷. Unhappily these means were soon supplied by Scotland itself, in the weakness of its government, and its intestine divisions. The Lord of the Isles was acknowledged, as usual, the ally of England; and he visited that kingdom with his brother John, and a retinue of a hundred horse⁸. Political knowledge must have been very confined in a country which permitted this constant mortification; for if the necessary naval force could not be procured to constrain, yet art and industry might have invited allegiance. The Earl of March, enraged by a violent affront from the Scottish government, the circumstances of which will appear with more connexion and advantage in a succeeding part of the narration, was preparing to throw himself into the arms of England, a country to which situation, and interest, had always too much attached his family⁹.

⁷ Rymer, VIII, 125. To avoid a parliament, and taxes, dangerous in a new usurpation, the lords spiritual and temporal assented themselves. The engagement of the earl of Rutland is preserved, Vesp. F. VII, f. 72: he is to furnish 60 men at arms for three months, himself and 16 knights, the remainder squires. All who had offices, or pensions, were to serve, except queen Isabel's servants. Ib. f. 73, n. 1. The royal jewels were pawned, Vesp. F. VII, f. 91. security was granted to London for money, f. 92, n. 1. The Cheshire rebels were pardoned on condition of service, f. 92. n. 2.

⁸ Rymer, VIII, 146, 2 June. Yet, in March, Douglas herald had been sent by Robert to propose an accommodation. Vesp. F. VII, f. 77. n. 2.

⁹ The first letter of March to Henry, offering his allegiance, is dated Dunbar 18 Feb. Vesp. F. VII, f. 22.

1400 } Some Scottish ships, under the command of Sir Robert Logan, were taken by the English. This admiral had boasted that he would destroy the English fleets, and especially that employed in fishing near Aberdeen: but the event was otherwise: and the English ships ravaged some of the Orkneys, then held of the crown of Norway by a Scottish earl¹. It is surprizing that a country so well adapted for maritim power as Scotland, should have neglected that strong engine of defensive or offensive war, a powerful navy, while the kings of Denmark and Sweden, whose resources were little superior, had numerous fleets.

Henry IV at length determined, by the most vigorous measures, to render the commencement of his reign illustrious, in the eye of his subjects, and dreadful to his foes. He resolved upon a personal invasion of Scotland, being the last to be performed by an English monarch. It is asserted that his chief irritation to this project arose from some intercepted letters, from the Scottish governor the duke of Albany to France, in which Henry was branded with the appellation of a preeminent traitor; and an insult must wound deeply, when sharpened by malice and truth². The prudence of Henry had sufficiently weighed the situations of Scotland and of France, before he
 9 June ventured to try his new power in this expedition. He summoned the whole military force of England to meet him at
 18 June York: and, to save appearances with France, he ordered protection to her ships, and to those of all countries, except
 25 July Scotland³. Arriving at Newcastle, he admitted March to his homage and fealty, and granted a pension to his wife and heirs⁴. The proud usurper then fulminated a letter to the

¹ Walf. 405. The captors of Logan's vessels were of Lynn; "per viros de Lemnia."

² Bowar, 430.

³ Rymer, VIII, 146, 147.

⁴ Ibid. 153.

Scotish king, and another to the prelates and nobles, com-¹⁴⁰⁰ manding them to meet him at Edinburgh, by the twenty third day of August, to pay homage to their lord paramount. In these letters the whole fabulous claim of the first Edward is revived, and deducted with great faith from old Locrinus⁵. A pitiful ballad, which has reached our times, seems to have been the only, and proper, answer of the Scots to this demand⁶. Revenge for the insult which he had received from the Scotish government must have incited Henry to such an arrogant manifesto; for his prudence is too firmly established, to permit a belief that he entertained views of effectually subduing Scotland.

The English army entered that kingdom, while a powerful^{14 Aug.} fleet coasted along with provisions⁷. After celebrating the Ascension of the Virgin at Haddington, Henry marched to Leith, where he remained three days, and made repeated assaults on the castle of Edinburgh, which was bravely defended by the Duke of Rothsay, attended by the Earl of Douglas, and many noblemen and gentlemen of the southern part of Scotland. Mean time the Duke of Albany had collected a copious army, and advanced to Caldermoor in East Lothian. A singular intercourse took place between the English king, and the Dukes of Rothsay, and Albany. Rothsay sent a message to the invader, that his pretensions to the Scotish crown might occasion the effusion of much christian blood, which to prevent, he was willing to settle the dispute by a

⁵ Rymer, VIII, 155.

⁶ It is preserved in the Maitland ms. Pepysian Lib. Cambridge, and is called the Ring (reign) of the Roy Robert, from the first line. It was written by a dean named David Steel: and is printed, but incorrectly, by Watson, in his collection of Scotish poetry, Edin. 1709, 8vo. Part II, p. iii.

⁷ An order to Lynn for ships, 12 July, r. 1. occurs, Vesp. F. VII, f. 64. n. 2.

1400 combat of one, two, or three nobles, against an equal number of the English. Henry parried this amiable folly of youthful vivacity by a piece of wit; answering, that he was surprized that Rothsay, who shewed such aversion to shed christian blood, should propose a combat of the nobles, whose blood was certainly christian. Albany, on his side, sent a letter promising that, if Henry would keep his station for six days, he should give him battle, and either die in the field, or force him to raise the siege. The English monarch, with his usual spirit, gave his royal word that he should await the term mentioned; and to testify his pleasure at the tidings he presented to the herald his upper garment, and a chain of gold. Albany however did not fulfil his rhodomontade; but kept aloof, and left his nephew in imminent danger of death, or captivity⁸.

Henry's lenity and moderation, during the whole of this expedition, were remarkable, and sufficiently contrast his character with that of Richard II; whose outrage proclaims his weakness; while this invasion shewed that cruelty and destruction are seldom the companions of courage and wisdom. To the towns, villages, monasteries, and even fortresses, which submitted, he instantly sent a banner, painted with his arms, to be displayed as the fixed signal that none of his army should approach them. And when two Canons of Holyroodhouse came into his presence at Leith, to request the preservation of their monastery, he answered with great affability, "Far be from my arms the disgrace of molesting any holy church, and especially your's, in which my father, the duke of Lancaster, found a refuge. I am myself half a Scotishman, being a Comyn by

⁸ Walsingham, p. 405, is very brief. Compare Bowar, 430, Winton, 880, Rymer, VIII, 157, 158. But Albany's message seems to rest with Echard: and Abercromby, II, 215, falsely quotes Buchanan. Yet see here Oct. 1402.

maternal descent; and I call God to witness that nothing ¹⁴⁰⁰ but gross provocation could have brought me here as a foe. But there are in your government people who write letters in a singular style: and my intention is little to injure the country, but to see if the writer dare to maintain his words, by meeting in battle him whom he terms a traitor." Finding that Albany declined an engagement, and not thinking the castle of Edinburgh an object worthy of longer delay, or despairing of taking that fortress; perhaps even unwilling to expose to the chance of destruction a place which had afforded an asylum to his father; Henry raised the siege, and withdrew his army into England⁹. It is not improbable, at the same time, that a failure of provision, and the rumoured insurrection of Owen Glendour in Wales, afforded strong arguments for this retreat.

But if it be difficult to account for the motives of Henry, what are we to think of those of Albany upon this occasion? At the head of a numerous army, he was the idle spectator of a triumphant enemy in the heart of his country; and beheld with indifference the danger of the heir apparent, whose ransom must have cost the nation an immense sum. The prudence of declining a battle with the force of England, conducted by the monarch, seems to have been fully established in Scottish politics, by the latter maxims of Robert I: and the modern axiom, that battles are the issue of ignorance, and that a weak general fights when he knows not what to do, was apparently not unknown in former times. So much may be offered in Albany's vindication. But the character of this man will soon develop all its blackness; and the consistency of wicked ambition must force us to infer that, to such a mind, base motives

⁹ Bowar, 430. Winton, 881, mentions the destruction of the house of Dalhousie, as the sole ravage of Henry's arms.

1400 must be the most effectual. Our ancient accounts ascribe Albany's conduct to a previous enmity with Rothsay¹; and it is probable that this gallant youth, conscious of his birth and expected royalty, saw with impatience his father, his king, his country, under such mean controul. Apparently a coward, certainly unknown in war, Albany might from baseness decline the combat with a bold and capable monarch; and from yet greater baseness might have exulted to see, in the capture or death of Rothsay, the security, the prolongation, of his regency.

Some events, which preceded the English invasion, have been reserved to this place, in order to present a clear and connected account of internal transactions in Scotland, interesting and important in an eminent degree. The King's infirmities increased with his age, and the Duke of Albany must be regarded as the chief agent, in affairs, which, from the monarch's residence on distant parental estates, sometimes hardly reached the royal ear, except by the voice of the nation. It is to be regretted that the meagreness of our annals seldom permits a near acquaintance with historical characters, till the reign of the first James. Suspended in the darkness of ignorance, and the distance of time, the portraits rarely appear distinct, except when enlightened by the splendor of the diadem. Hence arises a barrenness in an interesting province of history, the varied and strong delineation of character, so necessary to form just and complete ideas of important events.

The Duke of Rothsay had now attained his twenty second year; and his mental features nearly resemble those of the prince of Wales his contemporary. That warm effervescence of vigorous youth, which tamed by reason, experience, and

¹ Bowar, 430.

time, affords mature materials of a firm and spirited character, 1400
 had led him into some excesses, especially of the amorous kind, which afforded pretexts of constraint from his uncle the governor, and of reproof from his royal parents. A fondness for riotous pastime and arch roguery were also laid to the prince's charge; who, to candid eyes, sufficiently compensated these youthful and trivial defects by his good qualities. Endued with a comely person, an honest heart, an able head, a most sweet and affable temper, and even deeply tinctured with learning for that century, his virtues, and not his vices, attracted the regent's enmity^a.

Robert III only knew his own son from the malicious reports of Albany; but the queen Annabella, formerly famed for beauty, and still for sense, spirit, and generosity, was not the dupe of such practices, and appears to have suggested the marriage of the prince, as a proper and usual expedient to overcome his wildness, by the sweetness of lawful love, and domestic ties. This project must have alarmed Albany, and he employed every resource of little cunning to defeat it, while he did not dare a public opposition. To bring the scheme into contempt, to gratify his own avarice, to sow dissensions and obstacles, to procure delay and perhaps abandonment, he held up the marriage of his prince to sale among the peers of Scotland, instead of demanding a foreign princess, whose connexions might have aided her husband, and have overturned

^a Bowar, 431. The character of Rothsay is chiefly from Winton, 886.

Our lord the kingis eldest sone,
 Sueite and vertuose, young and fair,
 And his nerrest lauchful air;
 Honest, abill, and awenand,
 Our lord, our prince, in all plesand,
 Connand into literature,
 A semely persoun in stature.

1400 the regent's ambitious plans. The Earl of March, a friend of Albany, was the highest bidder; and having paid a large sum, his daughter Elizabeth was affianced to Rothsay. But at the instigation of the king's council, the Earl of Douglas, Archibald the Grim, offered a larger sum, which was also received; and the regent not daring to trifle with that illustrious family, the prince actually married Marjory, the daughter of Douglas, at Bothwell³.

The only excuse offered to March was, that the consent of the three estates had not been procured to the marriage; and as no meeting of parliament is mentioned, it is to be presumed that in this rude age the king's council, consisting of members clerical, noble, and common, was regarded as representing the three estates, when inconvenient to summon that formidable body. Nay the repayment of the sum advanced was refused, or delayed; and March, burning with indignation, procured a safe conduct from the king of England, and retired to that country, leaving his castle of Dunbar in the custody of Sir Robert Maitland⁴. After the retreat of Henry an army was

³ Bowar, 428.

⁴ The first letter of March to Henry, as above mentioned, is dated Dunbar, 18 Feb. It states that he is greatly wronged by Rothsay, who espoused his daughter, and though bound by his letter and seal, is about to marry another: the earl requests help as the kinsman of Henry, Alice de Beaumont being *gud-dame* (grand-mother) of Henry, and Marjory Comyn her full sister, *gud-dame* of March. He offers his own allegiance, and that of his vassals: desires that lord Furneal, or Westmoreland, be sent to confer with him; and a safe conduct for himself and 100 followers. After apologizing for writing in English, as he understands that speech better than latin or French, he signs in French, "Le Count de la Marche d'Escoce." Vesp. F. VII, f. 22. Furneal was sent, ib. f. 39, n. 2. On the 13th of March Westmoreland was commissioned to enquire the determination of the Scottish earl. Ib. f. 78. But the precise date of March's retreat into England is not apparent; though it seems that he remained in Scotland till he met Henry at Newcastle on the 25th of July. See Redpath, 369.

raised

raised to besiege that important fortress, which if betrayed to ¹⁴⁰⁰ the English, might have afforded a dangerous post to the enemy; and Robert III himself appeared as general: but, before he reached Dunbar, Maitland was intimidated and yielded the castle to the son of Douglas⁵. If the Scottish king had no opportunity to shew his martial talents, he at least evinced his goodness and justice in this expedition. After waiting at Haddington three days, till various reinforcements arrived, the army prepared to march, the trumpets sounded, and the king's foot was in the stirrup to mount his horse, when a poor butcher begged an audience. The complaint was against an officer of the royal household, who had not paid for the meats ordered: the monarch heard the claim affably and patiently, and sent for the officer; who not being found he paid the sum himself. He then ordered a proclamation at the market cross that all debts due by his attendants should be instantly demanded and paid; and in future always observed this custom on leaving any place; an useful example to his subjects, in an age when different statutes were required to enforce a like practice in the nobles. The people upon this occasion remembered with pleasure his similar conduct at his coronation, when he ordered payment to the monastery of Scone, for the growing corn trodden under foot by the multitude⁶. Such matters are often esteemed beneath the dignity of history; but far be that pride which would prevent a good action to the meanest of mankind, or its commemoration; and if this historic dignity be inimical to amiable views of manners, and to humanity, it is rather an object of scorn than of admiration.

Though, in November and December, some conferences ¹⁴⁰¹ between the English and Scottish commissioners had been held,

⁵ Bowar, 429.

⁶ Bowar, 418, 419.

1401 only truces of a few weeks had been adjusted⁷; and the war
 soon resumed its depredations. Henry's demands were exorbitant, as he had been irritated by Robert's neglect, and by being treated as an usurper. The English monarch instructed his commissioners to require the homage of Scotland; if refused, an annuity, or lands, were held out as temptations to Robert: should this pretension prove fruitless, a marriage treaty between their families was to be proposed, or at least a truce of thirty years⁸: all these terms were rendered nugatory by the Scottish alliance with France.

Robert in vain demanded that March should be delivered up: and that earl required the restitution of his estates with as little success. Henry IV knew from experience the value of a traitor, and extended to March, his friends and followers, the warmest protection. Eager to wipe off the stain of his captivity, Henry Percy joined March, who was inflamed with revenge, and anxious to evince his importance by his services;
 3 Feb. and they entered Scotland, at the head of two thousand chosen men. Piercing by Peebles to Linton, they assaulted without success the castle of Hales, burned three villages, and encamped at Preston. But the son of the Earl of Douglas, advancing from Edinburgh against them, with a body of his followers, they made a precipitate retreat, leaving their spoils, and tents, and prepared provisions. The Scots pursued them a whole dreary night of that season of the year, and captured many at Colbrand's-path, the rest escaping to Berwick; at the very gates of which town the lance, and pennon, of the lord Thomas Talbot were taken⁹. The heir of Douglas a few

⁷ Rymer, VIII, 166, 185.

⁸ Instructions Vesp. F. VII, f. 83, 85, n. 1, written, from intrinsic evidence, after Henry's return.

⁹ Bowar, 429.

months after wore the brilliant coronet of that house, upon ¹⁴⁰¹ the death of his father Archibald, surnamed the Grim, a peer recommended to fame by his wisdom, as much as by his hereditary valour¹.

This year forms an epoch in the history of Scottish legislation, the more important, as, after the various laws of Robert II, no further intelligence arises, till the luminous period commences with the statutes of James I.

The ordinances passed in a parliament held at Scone are ^{21 Feb.} numerous². Many concern private property, then in an obscure and precarious condition, under the feudal oppression, and rapacity of the great: but the following chiefly deserve historical commemoration. It was decreed that the king's lieutenant-general the Earl of Fife, and other royal ministers, should hear the causes of churchmen, widows, orphans, and minors, without taking sureties, and judge without delay: that, during the papal schism, any excommunicated person might appeal to the conservator of the church, and after-

¹ Bowar, 429.

These events have been dated 1400 by our historians, misled by Bowar's inattention to the commencement of the year; but the preceding narrative, and notes, evince them to belong to 1401. Redpath, 369, shews little acumen in not being able to solve so slender a perplexity.

In 1401 Northumberland and his son demanded 1000 marks from Henry, for an inroad, Vesp. F. VII, f. 70, probably this: from this letter it also appears that they had 3000*l.* a year for the wardenship of Berwick, and the east marches; and 1500*l.* for that of Carlisle and the west. On the 28th June 1401, the manor of Clippeston was granted to March by the English king. Rymer, VIII, 205.

² These laws are published by Skene, in his collection known by the name of *Regiam Majestatem*, from the first words of a treatise prefixt. They were extant in the Register in his time, as he mentions in his tract *De Verborum Significatione*; and their authenticity is unquestioned. See also *ms. Harley*, 4700. The date is accurately marked in that *ms.* and by Skene.

1401 wards to the general congregation of the clergy; that the
 { duel should only be permitted in four cases, the crime must
 infer death, it must be secretly designed or perpetrated, the
 suspicions must bear verisimilitude, and the truth was not to be
 discovered by witnesses or writings. Among the causes why
 gifts are revocable, are classed the arts of monks in persuading
 the laity to donations. Usury, or interest, is not to be allowed
 against a minor, who is only to pay the principal. As a check
 on the sheriffs, their clerks are to be appointed by the king,
 and only amenable to him, to prevent any connivance in
 injustice. The justiciary courts are to be held twice in the
 year, on either side of the Forth: the coroner is empowered
 to arrest persons indicted: the lords of regalities, sheriffs, and
 barons, are to hold their journies of justice twice in the year,
 and abbreviate the terms of appearance: the king's justiciary
 may remove sheriffs, or other royal officers in case of default, till
 the sitting of the next parliament, which is to judge the cause;
 a singular statute, confounding the legislative and executive
 powers. "To prevent the great and horrible ravages, depredations,
 fires, and homicides, which are daily committed in every part
 of the kingdom, it is ordained that all the sheriffs in the realm
 make public proclamations, that no person travelling shall be
 allowed more attendants than those whose maintenance he defrays." Ravagers,
 depredators, incendiaries, robbers, murderers, are to be punished
 by death and confiscation. The sheriff shall arrest malefactors,
 and take bail for their appearance at the next journey of justice,
 or circuit; their nonappearance infers rebellion, and forfeiture of
 the bail; if no bail be found, they are at once to be tried by an
 assize, and if found guilty forfeit their lives; if they flee from
 one sheriffdom to another, the first sheriff is to send a precept to
 the second for their deliverance to trial; a similar procedure is
 to

to be used to lords, and officers of regalities, and all lieges are to assist. Among the more minute statutes, may be named, 1401
 that allowing the lieges to purchase victuals where they please, on paying the customs; that against burning the heath of moors in summer, or autumn, when the corn might be damaged; those against the killing of salmon, or hares, at prohibited seasons; that which orders farmers, who rent lands for a term, not to alienate the lease for a term exceeding the agreement. These laws, like the ruins of an ancient hall of justice, inspire reverence from their pristine majesty, and utility; and will interest the philosophic reader, as reliques of the progress of society, and of the history of man.

The effects of March's vengeance have already been narrated; but a scene of a blacker and more deplorable kind is now to open, in the murder of the Duke of Rothsay. The power and sense of the queen, the gravity of Trail bishop of St. Andrews, a chief promoter of concord, the valour and wisdom of the first Archibald Earl of Douglas, had balanced the ambition of Albany, but these three supporters of the monarchy died within a short period³, and the governor's passions had no longer any controul, save from Rothsay's merit, and just pretensions. Archibald the second Earl of Douglas of that name, born to adorn that family by his valour, but to disgrace it by his conduct, was married to the elder daughter of Robert III, as his father had espoused a daughter of the preceding king. Thus doubly connected with the royal family, he seems to have regarded Rothsay, who had wedded his sister, not with fraternal affection, but with the malevolent eyes of a rival in ambition. Joined in strict friendship with

³ The fourth pestilence which had ravaged Scotland appeared in 1401; but it appears not that any of these great persons fell a victim to it. Winton, 884.

1401 Albany, and his second son John afterwards Earl of Buchan; and
misled by their offers, or by a pique at Rothsay, he shared their
1402 detestable schemes. The young prince had been married about
two years, but had no children; and perhaps hating the wife
forced upon him by his uncle's avarice, he pursued his former
courses. Albany, on pretence of restraining his wildness, had
set a band of his partisans to watch his conduct; and now that
the occasion opened the regent gave the hint, and this band
represented to the king that his son would no longer bear
counsel, nor restraint. Indeed this impudent plan of Albany,
this council of guardians appointed to watch a man of sense
and spirit, and that man the heir of royalty, was a certain
mode to irritate and inflame youthful passions, but never could
tend to moderate their influence. The decrepit and infirm
monarch was, as usual, distant from the public scene, and
guided by those around him; among whom was now unhappily
one Ramorgny, a knight who had formerly suggested to
Rothsay the assassination of Albany, but the generous nature
of the prince had rejected the proposal with horror and indig-
nation. A successful criminal may be honoured; but a crime
offered, and refused, exposes the character to certain hatred
and contempt; and it is not matter of wonder that Ramorgny
became in his turn the bitter enemy of Rothsay. At his sug-
gestion, which may be construed that of Albany, Robert sent
a written order to the regent, to arrest his son, and confine
him for a short time, in order to subdue his stubborn spirit;
forgetful of the certain disgrace which the confinement of the
heir apparent must entail on his reign, perhaps on the future;
forgetful of the stain on the succession, and danger of conse-
quent disaffection in the subjects; forgetful how short a path
leads a prince from the prison to the grave.

The

The royal mandate was born by Ramorgny and by another enemy of Rothfay, Sir William Lindsay, whose sister Euphemia had also been affianced to the prince, and rejected⁴. From these circumstances it may be perceived that the scheme was laid, and conducted with all the deep and dark art of consummate villainy. Albany, receiving the order with joy, resolved on its immediate enforcement, and that the bearers should be the executors. Privacy was necessary; and Rothfay was inveigled into Fife, upon pretence that he should take possession for the king of the castle of St. Andrews, till the appointment of another bishop. When the unsuspecting prince was riding with a small attendance, between Nydie and Straburn, near St. Andrews, he was seized, and held a prisoner in the castle, till the governor and his council, assembled at Culros, should determine the place of his confinement. The tower of Falkland was named; and thither Albany and Douglas, with a strong band of followers, conducted the prince, seated on a labouring horse, and covered with a russet cloke, to defend him from the falling rain. Here under the custody of John Selkirk, and John Wright, two assassins employed by Albany, the most cruel of deaths, that of famine, awaited the heir of the monarchy: and he was buried in a private manner at Lindoris, distant from the tombs of the Scottish kings, or those of his family, the conspirators not daring, by a funereal pomp, to awaken the attention and detection of the people.⁵

Easter
26 Mar.

⁴ Bowar, 432.

⁵ Bowar, 431, 432. Winton, 886, writing in Fife, the earldom of Albany, and under his regency, conceals all the circumstances, and only mentions the death and burial of David. Buchanan, X, 10, says a woman supplied the unfortunate prince with thin cakes of barley, while another gave him milk from her breasts: but they were detected and removed. The tale seems from Boyce, f. v. 350, who adds that the prince devoured his own fingers, in famine and despair.

A great

1401 A great security to crimes arises from the good nature of honesty, which believes their commission impossible; and as Albany had conducted his horrible plot with great skill, and gave out that his nephew had unexpectedly died of a dysentery; and for the imprisonment there was the king's positive mandate; it is no wonder that the nation was beguiled. To secure and to continue his regency, it was however proper that every doubt should be cleared, and a parliament was called and met 16 May at Edinburgh, an assembly which the long government of Albany had sufficiently taught him how to chuse, and influence. In a mock examination Albany and Douglas confessed the imprisonment, but imputed the death to divine providence. A remission was however thought necessary; and was given 20 May by the infirm sovereign in terms as ample, as if they had murdered the heir apparent. In this pardon, which is extant, the confinement of the prince is ascribed to the cause of public utility; but the immediate motives of the perpetrators are expressly said to be concealed for a sufficient reason⁶. Does this singular declaration refer to the king's mandate, which might in the vulgar eye have appeared a consent to the death of his son; or to some crime falsely imputed to Rothsay by the conspirators, as for example a design to murder his father, or uncle? This is dark: but it is certain that folly and wickedness are companions, and that the means used by Albany to clear his character are precisely those which fully establish his guilt.

To divert the public attention, it was resolved to continue the war with England, which had been interrupted by a short

⁶ This curious paper is preserved in the 4th Register often quoted, f. v. 12, whence it was published by Sir David Dalrymple, Remarks, p. 278.

truce,

truce, and some negotiations for peace¹. A fair pretext arose 1402
 from the incursions of March and his adherents, that earl and
 his son being pensioned by the English king, for the mainte-
 nance of a small body of troops during the Scottish hostilities.
 By the advice and support of the young earl of Douglas, then
 resident at Dunbar, the chief landholders of Lothian agreed
 to conduct separate expeditions into England, because the
 people of the Merse favoured the exiled earl, and did not exert
 their usual inroads. The leader of the first incursion was
 John Haliburton of Dirlton, who advanced a considerable way
 into the inimical country, carrying fire and ravage in his pro-
 gress, and returned with success and spoil. But the second,
 conducted by Patrick Hepburn of Hales, met with a different
 fate; for having advanced too far into England, and remained
 too long, the Earl of March found time to unite the power of
 Northumberland with his own, and to intercept Hepburn and
 his followers in their return, at West-Nisbet in the Merse, 22 June
 three miles south of Duns. An obstinate conflict ensued,
 rather favourable to the Scots, till the son of March arrived.

¹ In Vesp. F. VII, f. 118, is a letter from Douglas to Henry, dated Edybre-
 schellis, 1 Feb. and signed "Le Conte de Douglas, Seigneur de Galway et
 de Dunbar:" and Henry's answer 27 Feb. occurs f. 84. From these letters it
 appears that on the 16th May 1401, (see in Rymer, VIII, 190, a truce of
 26th April 1401) Douglas and Northumberland had met at Camelforth, and
 agreed to a truce of a year to Martinmas 1402: Douglas complains that
 Northumberland does not observe the treaty. Henry in return blames Douglas
 for burning Bamborough; yet promises to send commissioners. The trans-
 actions of the various years, the title of Dunbar, &c. shew these letters to have
 been written in 1402.

Yet on the 20th Sept. r. 2=1401, Henry had issued instructions to demand
 homage of Scotland, admitting however that if there were no evidence, the
 claims ought to be abandoned, and a treaty of thirty years proposed, England
 retaining Berwick, Roxburgh, and Jedburgh. Vesp. F. VII, f. 83.

1402 with a fresh reinforcement, when victory declared for the English. The Scottish leader was slain, with several other gentlemen, and the flower of the youth of Lothian; many were mortally wounded; and John and Thomas Haliburtons, John and William Cockburns, Lauder of Bas, and many others remained captives^s.

Douglas, stung with regret for the loss of his brave friends and countrymen, and inflamed with rage against March, his particular enemy, immediately applied to Albany for a body of troops, to be added to his own power upon an expedition into England. The governor consented, and dispatched a considerable force under Murdac his eldest son; the earls of Angus and Moray also joined Douglas, who entered England with an army of ten thousand men, carrying terror and devastation to the walls of Newcastle. Henry IV was now engaged in the Welch war against Owen Glendour; but the earl of Northumberland, and his son the Hotspur Percy, with the earl of March, collected a numerous array; and awaited the return of the Scots, impeded with spoil, near Milfield, in the northern part of Northumberland. Douglas had reached Wooler, in his return; and perceiving the enemy, seized a strong post between the two armies, called Homildon hill. In this method he rivalled his predecessor at the battle of Otterburn, but not with like success. The English advanced

24 Sept.

^s Bowar, 432, 433. The spot was afterwards called Slaughter Hill. Hume Dougl. I, 218. An original letter from Henry to his council, dated *Hareburgh*, 30 June, is extant, Vesp. F. VII, f. 18. He informs them that the son of March, with 200 soldiers of Berwick, had defeated 400 Scots; and, among 240 taken and slain, are John Haliburton and three other knights captives; while Sir Patrick Hepburn fell. He adds that 12,000 Scots had ravaged the country around Carlisle, and intended another invasion, so the necessary directions for defence must be issued. Northumberland, and his son, appear, from this letter, to have been high in Henry's favour.

to the assault, and Henry Percy was about to lead them up ¹⁴⁰² the hill, when March caught his bridle, and advised him to advance no further, but to pour the dreadful shower of English arrows into the enemy. This advice was followed with the usual fortune; for in all ages the bow was the English instrument of victory, and though the Scots, and perhaps the French, were superior in the use of the spear, yet this weapon was useless after the distant bow had decided the combat. Robert the Great, sensible of this, at the battle of Banocburn ordered a prepared detachment of cavalry, to rush among the English archers at the commencement, totally to disperse them, and stop the deadly effusion. But Douglas now used no such precaution; and the consequence was that his people, drawn up on the face of a hill, presented one general mark to the enemy, none of whose arrows descended in vain. The Scots fell without fight, and unrevenge, till a spirited knight, Swinton, exclaimed aloud, "O my brave countrymen! what fascination has seized you to-day that you stand like deer to be shot, instead of indulging your antient courage, and meeting your enemies hand to hand? Let those who will, descend with me, that we may gain victory, or life, or fall like men." This being heard by Adam Gordon, between whom and Swinton there existed an antient and deadly feud, attended with the mutual slaughter of many followers, he instantly fell on his knees before Swinton, begged his pardon; and desired to be dubbed a knight by him whom he must now regard as the wisest, and boldest of that order in Britain. The ceremony performed, Swinton and Gordon descended the hill, accompanied only by one hundred men; and a desperate valour led the whole body to death. Had a similar spirit been shown by the Scottish army, it is probable that the event of the day would have been different. Douglas, who was certainly deficient in the most important

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1402 } important qualities of a general, seeing his army begin to disperse, at length attempted to descend the hill; but the English archers, retiring a little, sent a flight of arrows so sharp and strong that no armour could withstand; and the Scottish leader himself, whose panoply was of remarkable temper, fell under five wounds, though not mortal. The English men of arms, knights or squires, did not strike one blow, but remained spectators of the rout, which was now complete. Great numbers of the Scots were slain, and near five hundred perished in the river Tweed upon their flight. Among the illustrious captives were Douglas, whose chief wound deprived him of an eye; Murdac son of Albany; the Earls of Moray, and Angus; and about twenty four gentlemen of eminent rank and power. The chief slain were Swinton, Gordon, Livingston of Calendar, Ramsay of Dalhousie, Walter Sinclair, Roger Gordon, Walter Scot, and others. Such was the issue of the unfortunate battle of Homildon⁹.

Henry Percy disgraced the victory by an act of cruelty. Among the captives was Sir William Stuart of Forest; and Percy insisted that he, being a native of Tividale when under

⁹ Bowar, 433—435. Winton, 886—888. Walf. 407, 408. Otterburn, 236. Walsingham gives a strange idea of the force of the English arrows, “ut ipsos armatos omnino penetrarent, cassides terebrarent, *gladios perforarent*, lanceas funderent.” He brands Sir John Swinton, as “*infidus utrique regi*.” Hall in describing this battle, f. v. 17, says not unpoetically, “the bright beam of victory shone on Saint George’s cross.” Bishop Percy, who inspected the spot, informed the author that there is a sudden *scar*, or little precipice, on the side of the hill which the Scots descended, and which, being unperceived by them, contributed much to their confusion and rout.

The anonymous historian of Le Laboureur says I, 453, that Percy had only 1500 cavalry, and 3000 archers. Pierre des Essars a French knight was taken, for whose ransom, and that of Douglas, a *bannevolence* was raised in France. See also Des Urins, p. 148.

the English power, should be regarded as a traitor. Stuart, ¹⁴⁰² a man of wisdom and eloquence, defended himself so well that he was acquitted by three successive juries; but the malice of Percy led him to appoint a new jury of his followers, and Stuart was drawn and quartered, amidst the murmurs of the English, who knew that his merit was the only cause of his death¹.

Henry IV, on receiving intelligence of the battle of Homildon, desired the Percies not to ransom, nor deliver, their prisoners, without his consent: and, to palliate this apparently harsh mandate, he generously granted the earldom of Douglas, with Eskdale, Lidsdale, Lauderdale, the lordship of Selkirk, forest of Ettrick, county of Tivendale, and all the other appendages of that high house, to the Earl of Northumberland; who smiled at this liberal gift of a country, neither conquered, nor likely to be an object of easy seizure². But the Percies resolved to take the king in his own snare, and to make this conquest the pretended object of arms, instantly to be turned against the granter. Meantime Murdac, the regent's son, sometimes termed Earl of Fife, and some other prisoners were sent to Henry, and were presented in full parliament. ^{20 Oct.} Sir Adam Forester, one of these captives, made a speech before that great audience, which would have been wiser if better timed, representing the advantages of solid and durable peace between the nations; but Henry checked the oration, because Forester had formerly deceived him, concerning

¹ Bowar, 434. Winton, 887; who adds that a squire, named Thomas Ker, was tried with Stuart, for the same alledged offence, and condemned in the same illegal way. Their quarters were exposed on the gates of York, an atrocity soon retaliated on Percy himself, as Winton observes, p. 888.

² Rymer, VIII, 278, 289.

1402 Albany's intentions to fight, at the siege of Edinburgh castle³.

The heir of Albany was freed, upon his word of honour not to withdraw from England; the inferior prisoners were committed to an easy confinement. The earl of March requested the parliament, that he might be restored to his lands in proportion as subdued by the English, and that such of his people as chose to observe allegiance to England should be received; all which was willingly granted, but it was insisted that his people should take an oath of fidelity⁴.

1403 An incident occurred, which contributes to paint the features of the times and of the government. Sir Malcom Drummond, brother of the late queen, had been married for some years to Isabella, in her own right countess of Mar. He was suddenly surprized in his castle by a band of ruffians, and imprisoned till he died of his hard captivity. In the next year, a decent term having expired, Alexander Stuart, natural son of Alexander the deceased earl of Buchan, brother of Albany, forced the countess to wed him; and as he was a noted leader of the highland freebooters there is no room to doubt that he had been the murderer of her husband, in order to attain this wealthy marriage. These unworthy deeds were sanctioned by the government; the king's name being boldly set, by the regent, to a charter confirming the earldom to a lawless intruder⁵. Thus every insult, and every crime, seem to have been crouded by Albany, his younger brothers and adherents, that could contribute to the depression and destruction of the king's family and connexions.

³ Parl. Hist. II, 71, 72; London 1751, 19 vols. 8vo.

⁴ The commons recommended him to the king. Walf. 238.

⁵ Winton, 888, 889. Sir D. Dalrymple Sutherland Case, Ch. V, p. 45. Record of Charters, B. 7, n. 257.

The Earl of Northumberland, and his son, were now intent ¹⁴⁰³ upon open rebellion against Henry IV; and to colour the raising of their troops, and gain time for adding fresh musters, it was resolved to make a short incursion into Scotland, on pretence of rendering effectual the grant of the earldom of Douglas. Accordingly Henry Percy, and the Earl of March, proceeding with a considerable force besieged Coklawis, a strong tower in Tividale on the confines of the Merse⁶; but found so obstinate a defence that, both parties being fatigued, it was agreed, between Percy and Greenlaw the captain, that if no aid were sent by the Scottish king, or governor, the fortress should surrender on the first of August, being six weeks from the date of the convention. Gladstane, the proprietor of Coklawis, who had remained concealed in the place, soon hastened to the king, who referred him to the governor. Albany assembling a council of prelates and nobles at Falkland, laid the affair before them; and they knowing him little inclined to war, pretended that it was better to give up that paltry turret, than encounter further danger from England, when the Scots were weakened and disheartened by the late defeat. Upon which, to their surprize, the regent who apparently had intelligence of the commotion raised by the Percies, and that the north of England was incapable either

⁶ Bowar, 435. It was in, or near, the site of the present Ormiston, about three miles to the south of Kelso. In a letter to the English council, Newcastle 30 May, Vesp. F. VII, f. 23, Northumberland mentions that he and his son have indentures and hostages for the surrender of *Ormiston* castle in Scotland, on the 1st of August, if not delivered by battle; and he requires money for his services. In a letter to Henry, 26 June, ib. f. 25, the earl demands money, as he had received none, though it was maliciously reported that 60,000*l.* had passed into his hands since the king's coronation: he assures his "Majestée royalle" that he shall be at *Ormiston* on the day appointed. The letters are in French.

1403 of offence or defence, started up, and exclaimed, "I vow to God and St. Fillan that I shall prevent the appointed day, although none should attend me save that youth, my groom," pointing to Peter de Kinbuk, then holding his horse at a distance. The council, effectually duped and astonished by the governor's new spirit, answered with tears of joy, "May God confirm his work in you; and by his aid we engage that our help shall not be deficient." Albany was soon at the head of a numerous army, consisting according to our antient accounts of not less than fifty thousand rude cavalry, and as many infantry. With some loss he took the fort of Inverwick in Lothian⁷, which had been seized by the English, after the destruction of the flower of Lothian at Homildon; and was approaching Coklawis, when a messenger brought him tidings that Percy was defeated and slain at Shrewsbury. Upon this the governor encamped his wide battalions around Coklawis, and ordered a herald to proclaim the joyful intelligence; then dismissed his army, and returned as in triumph⁸. The battle of Shrewsbury, with the prudent and bold conduct of the Scottish earl of March on the part of Henry IV, and the spirited actions of Douglas⁹ in behalf of Percy, belong to English history: of this narration it is the duty to observe that the conduct of Albany was reprehensible in a high degree, and that by his usual misconduct he lost a fit opportunity of regaining Jedburgh, Roxburgh, or Berwick, or otherwise assailing the north of England, in its weak and disaffected state,

⁷ The situation of this place is compared to Baiæ, in the description of Lothian, Blaeu's Atlas.

⁸ Bowar, 435—438. Winton, 889—891.

⁹ This earl had lost an eye in the battle of Homildon: and in this he was wounded *in verendis*. Wals. 411. He felled Henry to the ground, before he was himself captured. Monstrelet, Vol. I, f. v. 6, edit. 1518.

and

and avenging the affronts and the losses of his country. The ¹⁴⁰³ people of Scotland were then almost unknown in their own government, but the patience of the nobles and gentlemen under this long and disgraceful Regency, yet further to be lengthened and disgraced, can only be accounted for, by inferring that Albany shared with them the spoils of the king and of the people, and thus indulged to the utmost the natural spirit of aristocracy.

An impostor appearing in Scotland, under the name of ¹⁴⁰⁴ Richard II¹, the policy of Henry IV perceived what dangerous commotions might arise from this pretext, and his desires of peace were increased. He wished to include the Scots in the long truce, formerly ratified with France; but, not succeeding, used other pacific negotiations, and Robert III on his side appointed commissioners to treat for the ransom of ^{May} Albany's son, and Douglas, and for a truce if obtainable upon proper terms; which was in fact concluded for a very short time². Another meeting was agreed on to confer concerning ^{6 July} a definitive treaty, and among the Scottish commissioners ^{to Easter} were James Douglas lord of Dalkeith, the bishop of Glasgow, Sir David Fleming, John Merton doctor of canon law, and Walter Forester canon of Aberdeen and secretary of state³.

¹ Winton, 879, 880, quoted under 1399. Wall. 413.

² Rymer, VIII, 345, 359, 363.

³ Ib. 369, 370. In August, apparently this year, Robert sent David Fleming with a letter to Henry, beginning "salutem et quietis desiderium," to confer concerning some affair mentioned by the English king to Fleming, Vesp. F. VII, f. 63, n. 1. About the same time the countess of March wrote to Henry, representing her distress, and that of her husband, since they left their country; the pestilence raged around their residence, and their foes afforded no opportunity of their retreating to Colbrandspath till it abated. Percy's followers were enraged at March for the death of their master, &c. Original signed "Vostre humble oratrice," &c. Vesp. F. VII, f. 96, n. 2.

The

1404 The lasting bars in the way of solid peace seem to have been the treaty between Scotland and France, and the possession of some places in the borders by the English, which they could not resign, nor the Scots cease to demand, without dishonour.

1405 A Scottish vessel, of great value, having been captured by Jan. an English armed barge near St. Andrews, letters were addressed by Robert, by Albany his lieutenant-general, by the bishop of St. Andrews, and by other eminent persons to Henry demanding restitution, but without effect⁴. In consequence of this injustice, the Scottish commissioners failed in their appointed meetings with the English on the marches; and mutual animosity began to be discovered⁵.

The aged and sickly king, secluded in the isle of Bute⁶, the victim of his own weakness, and of his brother's savage ambition, had yet a few friends left. Among these was Henry Wardlaw, nephew of the late cardinal, and recently appointed bishop of St. Andrews by the Pope, a prelate recommended by his love of letters, and of his king, and country. To his charge James, Earl of Carric, and only surviving son of Robert III, now in his eleventh year, was committed by

⁴ The original letters may be seen in Vesp. F. VII. Robert's, f. 102, n. 1, beginning with wishing to Henry "salutem et quietis populi desiderium:" Albany's, f. 26; the bishop's, f. 102, n. 2; the earl of Crawford's, f. 103, n. 1; and one by David Fleming of Biggar and Cumbernald, f. 82, n. 2.

⁵ O. The English commissioners, the bishop of Bath, the earl of Westmoreland, and lord Fitzhugh, to Henry, Morpeth 26th March. Vesp. F. VII, f. 96, n. 1.

In the course of this year Ireland also displayed her resentment. From the Annals at the end of Camden's Britannia it appears that, in the year 1400, the constable of Dublin castle met some Scottish ships near Stranford in Ulster, who defeated the English and slew many. In revenge the merchants of Drogheda, A. D. 1405, ravaged a part of the Scottish shore; and in June, the same year, the people of Dublin attacked St. Ninian's.

⁶ Bowar, 436, 439. In the first passage for *Bochan* read *Botham*.

his father, and by his advice France was chosen as a secure ¹⁴⁰⁵ retreat for the heir of the kingdom, from the brutal force or dark art of Albany⁷. The polished education to be received in that celebrated country afforded a fair pretence for this plan; and the regent seems not to have opposed it, hoping perhaps somewhat from accident, divining the unpopularity of a foreign education, nor regretting to unite the public attention by being the nearest heir of the monarchy left in Scotland. Henry Sinclair earl of Orkney was appointed chief attendant of the prince in this voyage: and a ship was ordered to the isle of Bass, in the firth of Forth, to receive the important charge. David Fleming of Cumbernald, a relation of the king, and several chief gentlemen of Lothian, conducted the prince, and saw him safe on board: on their return they were pursued by James Douglas, uncle of the earl, and a conflict followed at Hermanston moor, in which Fleming and many ^{14 Feb.} others fell⁸.

The

⁷ Bowar, 439.

⁸ Bowar, 439. Winton, 895.—Walsingham, 416, 417, informs us that Fleming was slain in revenge for his advice to Northumberland to escape into Wales, as the Scottish nobles intended to have delivered him up in exchange for one or two of the peers captured at Homildon. If so this event must have happened in 1406. The gross errors of chronology in Bowar, Winton, and even our later historians, occasion perpetual difficulties. That Robert III died on the 4th of April 1406, is evinced beyond all doubt by the learned Ruddiman, in his notes on Buchanan, p. 436; who at the same time expresses his opinion that the prince was captured in 1405, as Bowar's inconsistent account bears that the capture happened on the 30th March, and that the father died of grief on the 28th March; while Winton expressly dates these events in the years 1405 and 1406. It is clear from our historians, and Walsingham, that the earl of Orkney accompanied the prince; and he was a captive in England in Aug. 1405, when his brothers were permitted to visit England, as may be inferred from Rymer, VIII, 410; on the 13th Sept. 1405, a safe conduct was granted to Orkney, then a prisoner, to visit Scotland, (his brothers apparently hostages,)

1405 The prince had only proceeded as far as Flamborough head, when he was intercepted by a ship belonging to Cley in Norfolk; and the Scottish vessel, being small and unarmed, 30 Mar. was taken without defence. The royal captive, and his attendants, were immediately sent to the English king, who said with sarcastic joy, "Had the Scots been grateful, they ought to have sent this youth to me to be educated, for I understand French well." Henry then ungenerously ordered the prince, and Orkney, to the Tower: and nineteen years elapsed before James saw the end of his captivity⁹.

Rothsay herald appears to have been sent, in order to treat for the deliverance of the prince: and Albany interested in the welfare of his son Murdac, who remained a prisoner in England, endeavoured to conciliate Henry, and expressed his 2 June regret for the failure of the conferences¹. But a storm now burst

Rymer, VIII, 415. Yet it is singular that no mention of the prince occurs in any writing of that year. John son of Henry says, in a letter to his father, Vesp. F. VII, f. 95, n. 2, that Orkney had joined Northumberland and Bardolf at Berwick: the letter is dated Durham, 9 June, in all appearance 1405. Yet Bowar and Winton agree that Orkney and the prince were captured in March or April. The same writers concur that Fleming was slain, on his return from accompanying the prince on ship-board: yet Walsingham seems rightly to place the slaughter in 1406: he is however mistaken in dating the capture 1406, as appears from the passports to Orkney. When the materials are so complex, and discordant, the candour of the reader must be requested.

⁹ Bowar, 439. Winton, 895, dates the capture 12th April. Walsingham says, with *naïveté*, that James was sent "ut coalesceret et informaretur in Francia, de facietia linguaue Gallica." Henry's words he thus expresses, "Certe si grati fuissent Scoti, hunc misissent mihi juvenem instituendum, nam et idioma Franciæ ego novi." Hist. 417. Ypod. 170.

¹ O. Albany to Henry, Falkland 2 June, signed, "Robertus dux Albanix, germanus regis Scotiæ, et ipsius locumtenens generalis." Vesp. F. VII, f. 101, n. 1. On the 10th July Rothsay herald was again sent by Albany to Henry on private business, probably to insure the continuance of James in captivity; and

burst forth in the north of England, which threatened to immerge Scotland in open war. 1405

The earl of Northumberland, who had been pardoned by Henry after the battle of Shrewsbury, began, in concert with the earl Marshal of England, the archbishop of York, and lord Bardolf, to revive his rebellion, if it can be so called, against the usurper. But Henry's vigorous measures speedily extinguished the flame. Some of the earl's confederates were seized, and executed, while he himself fled into Scotland, accompanied by his infant grandson, and by lord Bardolf². June

The Scots availed themselves of the confusion, to manifest their sense of Henry's injustice. Some joined Northumberland at Berwick; and the English monarch, alarmed at the complicated danger, in vain issued a commission to John his son, constable of England, and warden of the eastern frontier, (offices transferred to him from the earl of Northumberland two years before,) to negotiate a truce with Scotland till the following Easter³. Upon the retreat of Northumberland into their country, the Scots gave the town of Berwick to the flames; but the castle, which was held for the rebel earl, soon after surrendered to the English king⁴. 8 July

Robert,

and to explain that any preparations of Scotland for war were only to preserve appearances on Albany's part. Vesp. F. VII, 79, n. 1.

² Walf. 416, 417. Bowar, 439. Original letters of Henry on this rebellion may be found in Vesp. F. VII.

³ Rymer, VIII, 403.

⁴ Otterburn, 257, says that the Scots burned all the town, except the churches and monasteries. It is suspected that it was on this occasion that a spirited letter was written by James Douglas, second son of the earl, (Bowar, 439,) to the English king, who complained that the followers of that nobleman had, in the time of truce, burned Berwick, and some places in England. Douglas answers that the English had killed many Scots, and taken some Scottish ships; that they had ravaged Arran, and the castle of Brathwicke,

Lauderdale,

1405 Robert, yielding to age and infirmities, had abandoned the
 reins of government to Albany, in title lieutenant general of
 the kingdom, but in fact regent. It appears that Albany,
 probably instigated by Northumberland, meditated, or pre-
 tended to meditate, an invasion of England, for Henry ordered
 8 Sept. his array to be in readiness to oppose this design⁵; and he
 16 Sept. issued a commission to treat with Donald lord of the Isles,
 and John his brother⁶, the potentates of the Hebrides being
 generally the allies of England. But both parties soon relaxed
 end Sept. in their resentment; and a truce was concluded, to last till
 the ensuing Easter⁷.

1406 The ambition of Albany prevented any effectual intercession
 for the liberty of the prince; and perhaps his father regarded
 him as more secure in England than in Scotland. No warmth
 of animosity seems therefore to have arisen on this account:
 7 Feb. and Henry renewed his powers to prolong the truce⁸.

Robert III, overwhelmed with infirmities and misfortunes,
 4 April died at the castle of Rothsay in Bute, after having nearly
 completed the seventeenth year of his hapless reign⁹.

Lauderdale, Tividale, and a part of Ettrick forest. This curious original letter
 may be found in Vesp. F. VII, f. 17. It is only dated Edinburgh 26 July,
 directed "To ane excellent and amychty prynce Kyng of Englande:" and after
 the words "Hee Almychty Prynce, the haly gaste you halt in his yhemfall,"
 is signed, "Jamis of Douglas Wardane of the Marche."

About this time also must have been written a letter from prince John to
 his father Henry, mentioning that the earl of Mar, (Alexander Stuart,) was
 at sea between Berwick and Newcastle, despoiling English vessels. Vesp.
 F. VII, f. 62.

⁵ Rymer, VIII, 414.

⁶ Ibid. 418.

⁷ Henry's commission is dated 19 Sept. Ib.

⁸ Rymer, VIII, 430.

⁹ Winton, 898. Bowar, 440. The capture of James happened on Palm-
 Sunday 1405; the death of his father on Palm-Sunday 1406; Winton, 897,
 898. Hence perhaps the fable of Robert's dying suddenly, on receiving the
 tidings of his son's capture, as both events happened on the *same* day.

BOOK III.

CONTAINING

THE REGENCIES OF ROBERT, AND MURDAC, DUKES OF ALBANY.

Character of Albany—March returns—a heretic burnt—Jedburgh taken—mutual ravages—insurrection of Donald lord of the Isles—battle of Harlaw—university of St. Andrew's founded—Henry V of England—incurSIONS—disgraceful expedition of Albany—his death—Murdac regent—treaty for the ransom of James—affairs of the Scots in France.

THE character of Robert Duke of Albany requires but a few features, to finish the delineation, which has already presented itself in his actions. He approached his seventieth year, when, by various arts and crimes, he attained the great object of his pursuits, in the sole government of Scotland. His person was tall, and majestic, his countenance amiable: temperance, affability, eloquence, real generosity, apparent benignity, a degree of cool prudence bordering upon wisdom, may be reckoned among his virtues. But the shades of his vices are deeper; an insatiate ambition, unrelenting cruelty, and its attendant cowardice, or at least an absolute defect of military fame, a contempt of the best human affections, a long practice in all the dark paths of art and dissimulation.

His

1406 His administration he studied to recommend, not by promoting the public good, but by sharing the spoils of the monarchy with the nobles, by a patient connivance at their enormities, by a dazzling pomp of expenditure in the pleasures of the feast, and in the conciliation of munificence. As fortune preserved his government from any signal unsuccess, so it would be an abuse of terms to bestow upon a wary management, which only regarded his own interest, the praise of political wisdom¹.

The three estates, having met in parliament at Perth, soon after the demise of the late king, decency constrained them formally to recognize the title of the captive prince to the sovereignty; but the regency and sole command of affairs were 1407 ratified to Albany². The treaty with France was renewed: and the truce with England continuing, the regent sent ambassadors to adjust any differences which had arisen, yet appears not to have even mentioned his captive nephew³. But a more sincere

¹ For the character of Robert duke of Albany compare Bowar, p. 466, "convivus quotidianus . . . vir magnarum expensarum, et extraneis munificus. Erat enim forma præcipuus, corpore procerus et altus," &c. with Winton, p. 900, 901, who praises his beauty, strength, wisdom, religion, hatred of heretics, chastity, sobriety, majestic deportment, affability, attachment to the clergy, and to the commons; and, from two or three lines in the passage, evidently wrote this part after the death of Albany in 1419, though the historical events of his work relative to Scotland close in 1407. But these old writers uniformly praise the great; both belonged to the church, which was eminently favoured by Albany. Winton lived under his regency, and in his earldom of Fife; and Bowar often follows Winton. Their indiscriminate praise is overcome by the indubitable evidence of fact and record.

² Winton, 899.

³ The renewal of the French league, Feb. 1407, may be found in the 4to Register, fol. v. 61, and ms. Leagues sub anno. See also Du Tillet, f. 117, where, among the persons who swear, are James Douglas warden of the marches, brother to earl Douglas; and John Stuart, lord of Graham, *Earl Palatine* of Strathern: the latter unknown to our genealogists; the former is
James

sincere and effectual intercession was made for the Earl of Douglas, who was permitted to revisit his country upon an engagement to pay a ransom of one thousand marks, and leaving hostages for security⁴. Many Scots now crowded to the English court, some in the hopes of admission to the presence of their young sovereign, and of attracting his favour by their attentions: and others from various motives. Among these was Alexander Stuart, who had become Earl of Mar by the unwarrantable means above recited; he appointed a tournament of English and Scots in which the latter were defeated: but his restless spirit carrying him into Flanders, in the following year, he distinguished himself in the service of the Duke of Burgundy, who had sent him to assist in quelling a rebellion of the people of Liege, against their bishop John of Bavaria⁵.

The James the Gros, afterwards earl of Douglas, (see 1405.) Henry's letter to John, his son, concerning the prolongation of the truce for a year, occurs Vesp. F. VII, f. 106, n. 2. Albany's letter appears, f. 111, dated 2 March, and states that the Scottish ambassadors, Sir William Grame, and Sir John Stuart, having been well received, the regent had called a parliament to consider Henry's answer; and the truce was prolonged from next easter to that in the ensuing year. The archbishop of Canterbury advised Henry, (Vesp. F. VII, f. 88.) to insist that "the fool calling himself king Richard" should be given up; but the king seems to have passed this matter with due contempt, though in 1404 Serle yeoman of the robes to Richard II came from Scotland to England, and had persuaded many that Richard was alive. He was executed. ms. Harl. 266, 5 H 4.

⁴ A copy of the agreement between Henry and Douglas, dated London 14 March 1407, may be found in ms. Harl. 381, f. 212. After the date Douglas adds, with his own hand, that if France or Scotland break the truce, he and his followers shall adhere to Henry. The copy is by Sir Simonds d'Ewes; and the seal is delineated, Douglas and Galloway in alternate quarters, supporters a male and female savage.

⁵ Winton's two last chapters, p. 902—916, relate to Mar's actions; his visit to England in 1407, the tournaments there (see Otterburn 260;) his voyage to France.

1408

The Earl of March disappointed in his hopes of the conquest and grant of his estates, by the English monarch, was not indisposed to return to his own country; and the regent and the nobles of Scotland knew, from experience, that his enmity, and his friendship, were not unimportant. A new government having taken place, Albany could now throw the blame of the injuries offered to this nobleman upon the late king; and an accommodation was effected. From the liberality of Henry IV March had acquired some estates in England, which served to indemnify his loss; and Douglas restored his Scottish domains, upon condition however of retaining the lordship of Annandale, and its castle of Lochmaben⁷.

A scene, it is believed, before unknown in Scotland disgraces the annals of this year. James Resby, an English priest of the school of Wickliffe, was condemned for heresy by a clerical council, presided by Lawrence Lindoris, an inquisitor; and delivered to the secular arm, and to the flames, at Perth.

France in 1408, p. 904, passage thence to Flanders, p. 905; the contests at Liege between John of Bavaria and Horn; Mar joins Burgundy in the war against Liege, p. 910; the death of Horn, p. 913; the council of Constance, 1414; the marriage of John of Bavaria to Elizabeth of Brabant, 1418; that of Mar to a Brabantine lady, and his return to Scotland, (1409?) p. 916. Compare Divæus, *Rer. Brabant. Antw.* 1610, fol. p. 213, 224. Mar is specially mentioned, in the war of Liege, by Des Ursins, p. 196, and Berry, p. 12. Albany, in a letter to Henry 4 Nov. 1407, Vesp. F. VII, f. 77, n. 1, testifies his gratitude for the king's courtesy to Mar, to Murdac, and to Douglas.

It is doubtful what is the real date of the following events, narrated by Monstrelet, Tome I, c. 35, edit. 1518, under the year 1407. The prince of Wales, says that writer, accompanied by his uncles, and an army of 1000 men at arms, and 6000 archers, (about 12,000 in all) proceeded about *Tous saints* (1 Nov.) to make war in Scotland. The king of Scotland then at *St. Janjon*, (St. Johnstown, Perth,) in the middle of his kingdom, assembled a large army under Douglas and Buchan; but he found the English too powerful, and sent ambassadors to conclude a truce of one year. (See 1385.)

⁷ Bowar, 444.

The articles of his heresy amounted to about forty; and the first and chief was that the Pope is not the vicar of Christ⁷. 1408
 Winton particularly praises Albany for his aversion to Lollards, and to heresy, and for his devotion to the catholic church: and from this incident the reputation appears to have been well founded. But it did little honour to his government to institute the first example to his country of fanatic cruelty, though much of the blame must rest upon priestly persecution, upon the examples of other countries and, the spirit of the times. The sacred light of philosophy, which establishes absolute right of conscience, and unlimited scope of opinion, was yet far from its dawn; and the barbarism of the age thought to honour religion by crime, and the Deity by the destruction of man.

The truces, which had extended from the commencement of the regency to this time, having expired without renewal, some of the commons of Tividale, a people hardened by their limitory situation, and constant exposure to war, assaulted and took the castle of Jedburgh, which had remained in the hands of the English since the battle of Durham⁸. 1409
 The walls were so hardly cemented together, that much labour was required to destroy them, as was resolved, in order to prevent the foe from regaining so firm a hold: and it was agitated in a parliament, held at Perth, that a tax of two pennies upon every hearth should be raised for this purpose. But the regent, anxious for popularity, opposed this resolution, saying that during his regency no tax had ever been levied, nor should he now begin to merit by that abuse the malediction of the poor: and he accordingly ordered the expence to be defrayed out of

⁷ Bowar, 441—443.

⁸ Bowar, 444. Besides Berwick and Roxburgh, Fastcastle was also in the hands of the English, as appears from different letters. Vesp. F. VII, f. 97, &c.

1409 the royal customs⁹. One of the inconsistencies of human affairs is, that a power irregularly or criminally acquired is often exerted in a manner far more excellent, than the just tenor of authority; for the latter rests upon an indispensable claim, while the former requires support from the affections of the people.

1410 To revenge the loss of Jedburgh, Robert Umfraville, of the English family which claimed the title of Angus, entered the Forth with ten ships, and took fourteen vessels laden with drapery and grain: and afterwards ravaged various parts of the Scottish coast. The supply of corn which he brought on his return, was so seasonable to England, then afflicted with a scarcity, that he was honoured with the vulgar appellation of Robert Mendmarket¹. But it is uncertain whether the corn captured in the Forth was an import into, or an export from Scotland. Nor were the Scots deficient in successful hostility, for Patrick Dunbar, the son of March, took by stratagem the fortress of Fastcastle, on the northern shore of the Merse, which had been for a short time in the English power².

Although Henry IV was irritated by the loss of Jedburgh, and meditated a blow against the regent, yet to cover his designs he permitted a proposed truce to proceed so far, as to require Albany's ratification³. This was conveyed in a letter to Henry,

⁹ Bowar, 444. ¹ Harding, c. 207. Stow, 338. ² Bowar, 444.

³ The truce itself may be seen in Vesp. F. VII, f. 95, n. 1. It is in English, and extends from 21 May next to 21 May 1411: is dated at Reewe 27 Jan. 1409-10: the commissioners are Borwick and Cairns for Scotland, Sir Richard Redmain and Mr. Holme for England. On the 21 Jan. 1410, Henry gave instructions to Emond Bugge, squire of the chamber, as envoy to Albany, insisting on the return of Douglas to England, offering Murdac of Fife for a ransom of 50,000 marks, or if a long peace were granted his free deliverance. Albany herald, had moved the marriage of prince John of Lancaster with the regent's daughter; but his instructions were doubted, and if right Henry will deliberate on the business. Vesp. F. VII, f. 90.

some expressions of which were esteemed rather presumptuous; ¹⁴¹⁰ for the regent was styled "by the grace of God," and mentioned "our subjects of Scotland⁴." As Henry's title to his crown was not so good as Albany's to the Scottish, and a considerable similarity occurs in the progress of their ambition, it is no wonder that such expressions seemed to imply pride, or reproach.

But the most important event during this regency now ¹⁴¹¹ arises in the rebellion, as it was termed, of the lord of the Isles. The subject of dispute was the earldom of Ross, a title of uncertain creation, but which at least ascends to the twelfth century. The ancient line failed in Euphemia Ross, wedded to Walter Lesley, whose issue were Alexander Earl of Ross, and a daughter espoused to Donald lord of the Isles: Euphemia, upon Lesley's death, married Alexander Earl of Buchan, son of Robert II. Alexander Earl of Ross had by his wife, a daughter of Albany, an only child also named Euphemia, who became a nun, probably by the instigation of her mother's family, and with the intention of resigning the dignity to John Earl of Buchan, second son of the regent, when she came of age; but the resignation was not executed till four years after this period⁵. As Euphemia by entering into a nunnery was regarded as dead in law, Donald lord of the Isles resolved to defeat the machinations of the family of Albany, by an immediate seizure of the earldom, which included the island of Sky, and lay contiguous to his dominions. Not contented with this acquisition, to shew his scorn of the regent, and recommend his alliance to the English king, Donald raised an army of ten thousand men of the Hebrides, and of Ross, and advanced as far as Mar in his desolating inroad, intending to

⁴ Rymer, VIII, 635.

⁵ Sir D. Dalrymple, Sutherland Case, ch. v, sect. 7, from many records there quoted.

1411 sack Aberdeen, and ravage the country even down to the
 Tay⁶.

To stop his destructive career, Alexander Stuart Earl of Mar, and Ogilby sheriff of Angus, hastily collected some troops from Buchan, Mar, Garioch, Angus, and Merns; and 24 July met the invader at Harlaw, about ten miles northwest of Aberdeen. Mar's army was inferior in number; and the battle was obstinate and fierce, but indecisive. On the side of Donald the chiefs of Maclean and Macintosh fell, with about nine hundred; and Mar lost five hundred men, among whom were some of rank, as Scrymger constable of Dundee, George Ogilby heir of the family, and most of the gentlemen of Buchan⁷. The lord of the Isles was however so much weakened, that he was forced to retire; and the regent immediately collecting an army marched to the castle of Dingwall in Ross, which he took and garrisoned toward the end of autumn. Next summer Albany set three armies on foot to invade Donald's territories, who was obliged to abandon his pretensions to Ross, to make a personal submission, and give oaths and hostages for indemnification, and future observance of peace⁸. As the interests of the regent were concerned, the motives of his conduct deserve no applause; but the conduct itself was in this instance spirited and political, for it might have proved dangerous to have permitted a large and contiguous accession of territory to an independent chief, the ally of England.

⁶ Bowar, 444.

⁷ Ibid. 445. Contemporary poem The battle of Harlaw. Mar appears to have married the heiress of Doffle in Brabant, and returned to Scotland, in 1409. He lived till 1436. Stewart's Gen. 135.

⁸ Bowar, 445.

Meantime

Meantime it appears not that Henry IV made any exertion ¹⁴¹¹ to assist his ally, a greater field having opened to his ambition in the affairs of France, the long dissensions of which kingdom had now ripened into civil war. Henry prepared the future conquests of his son by engaging in the party of Burgundy, to whom he this year sent a supply of troops: and it became an object of his prudence to prevent any disturbance of his designs, by terminating hostilities with Scotland. The publication of a remarkable papal bull, given by Urban V in 1368, but not openly current till now, also contributed to this end⁹. In this pontifical mandate it is forbidden, under pain of excommunication and interdiction, to all persons ecclesiastical or secular, of whatever rank, to form any leagues against the government of Scotland, or to enter that kingdom hostilely, or make any depredations in it, or even to protect or assist any who shall infringe this prohibition. To the terrors of excommunication other penalties are added; and infamy, degradation, incapacity of any places of honour or trust, are held out to the violators; and, if kings, their subjects are absolved from their allegiance. This last threat may have had some influence with Henry, whose title little required any additional shock. Urban V was a Frenchman, and warm in the interests of his country, struggling at the period of this bull with Edward III: the origin of this fulmination is therefore easily explained; and it appears to have lain dormant at first from a discovery of the friendly dispositions of David II towards England; and, afterwards neglected and forgotten, to have been revived by accident at the present epoch.

Various negotiations for a truce between England and Scotland occupied this, and the following year, and occasioned

⁹ Abercr. II, 240.

1411 a suspension of arms. Nevertheless Douglas of Drumlanrig, and Gawin Dunbar, broke down the bridge of Roxburgh, and set fire to the town'. But neither this insult, nor the loss of Jedburgh, could divert the English king from his attention to France; and the Earl of Douglas, finding no employment for his martial spirit in his own country, resolved to bear a part in the French deeds of arms. Thrice, says a monastic historian, he was repelled by contrary winds, till by the advice of the Earl of Orkney his companion in the voyage, he visited the isle of St. Colm in the firth of Forth, and addressed his supplications to the tutelary Saint, Columba. Then he sailed to Flanders, and by the Saint's assistance soon returned¹. Douglas must have found it impracticable to take a decided share in the war, for the alliance of England shifted from one party to the other; nay the French king himself was undecided.

1412 To Henry Wardlaw, bishop of St. Andrews, Scotland now became indebted for her first university, an event more interesting and important than dubious negotiations, or the tumults of war. It is pleasing to consider the dawn of the light of learning, rising as after a tempestuous night of discord and barbarism, and commencing its salutary influence. The studies of the time were indeed unimportant, the thorny tract of scholastic theology, the clerical usurpations of canon law, a logic which taught not to reason, a philosophy devoid of wisdom: but still the mind was employed, a sacrifice, though rude, was offered to science, the field began to be manured, which in time was to yield productions of delight and of utility. At Pentecost 1410 the lectures at St. Andrews had begun,

¹ Bowar, 447.

² Ibid. The period of Orkney's deliverance from his English captivity was perhaps 1405. See Rymer, VIII, 415, 429.

but the bulls of confirmation were not received till this year, ¹⁴¹²
 when Henry Ogilby master of arts, who had been deputed ^{3 Feb.}
 on that service, arrived with the papal consent. Universal
 festivity enlivened the city, the bulls were presented to the
 bishop who appeared in state in the refectory, were solemnly
 perused aloud, and *Te Deum* sung, and the elevation of joy
 and of wine pervaded every street. On a following day a
 grand procession was instituted, in which were seen not less
 than four hundred clergy³.

The death of Henry IV, and the succession of his warlike ¹⁴¹³
 son to the English sceptre, introduced little alteration into the ^{March}
 affairs of Scotland. One of the first acts of Henry V was to
 order the son of Albany, whom policy had still retained captive
 in England, and some other prisoners to the tower; lest they
 might have taken an advantage, of which there did not want
 examples, in escaping upon a pretence, believed in that age to
 be just, that their promises of honour were only engaged to
 the late king, and became vacated by his death⁴. Resolving
 to take advantage of the distracted state of France, he had
 effectual means in his hands to secure the neutrality of Scot-
 land, by continuing the captivity of James, and of Albany's
 eldest son; and to shew his amicable intentions he dismissed
 some Scottish captives of inferior note⁵. The Scots were
 afterwards amused with three unsuccessful negotiations, in the
 same year, between their regent and the English king, for
 the ransom of James. Albany sent a more serious embassy

³ Bowar, 445. The original charter of the bishop is rehearsed in Scott. Cal. under the reign of James II. A deed of this prelate, 18th April 1414, occurs in ms. Harl. 4637, Vol. III, f. 188.

⁴ Rymer, IX, 2. Accordingly the truce of May 1412, which was to last till Easter 1418, (Rymer, VIII, 737,) was regarded as annulled.

⁵ Rymer, IX, 5.

1413 for the ransom of Murdac his son; but this design also failed and only a truce was agreed on, to last till June 1414: at which time it was continued by further negotiation⁶.

1415 While Henry V was occupied with his victorious expedition into France, the Earl of Douglas took and burned Penrith; and in revenge Dumfries met with a similar fate⁷. The want of an Earl of Northumberland now began to be felt; and it was resolved by the English government to accomplish a treaty, commenced in the preceding year, for the exchange of the regent's son and the young Earl of Northumberland, son of Hotspur, who had been left in Scotland by his grandfather, when he retired into Wales. That he was detained as a captive, after the seizure of the Scottish prince, can hardly be imputed to injustice; but he was liberally educated at St. Andrews by the bishop, and met with such honourable hospitality that grateful impressions alone filled his mind. Before Henry proceeded to France this exchange had been determined; but was postponed on account of the ungenerous flight of Murdac, who was however taken, and the captor liberally rewarded⁸. The anxiety of the regent, now far advanced in years, for the presence of his heir, and the wishes of the English for the

⁶ Rymer, IX, 5, 40, 79, 48, 45, 60. In May 1414 Albany sent Maxwell of Calderwood, and Mr. Robert Lanyn, to Henry to negotiate the ransom of Murdac and James. Vesp. F. VII, f. 114, n. 1, 2: f. 115, n. 1. The letters are dated at length, "26 Maii 1414, et gubernationis nostræ 9:" an additional proof that Robert III died in April 1406. The designation of James is singular, "Jacobi filii quondam Domini mei regis."

Bowar, 447, mentions the assassination of Patrick Graham Earl of Strathern, by Sir John Drummond, who died before the punishment of his crime. Graham was earl in right of his wife Euphemia Stuart; and their son Malis Graham was stripped of the title, and estate by James I: a rash act which excited a Graham to his assassination. Sutherland Case, ch. v, sect. 13.

⁷ Bowar, 448.

⁸ Rymer, IX, 280.

protection of another Earl of Northumberland, at last conspired together: and the exchange was carried into effect ¹⁴¹⁵.

A fresh treaty for the ransom of James proceeded so far, ¹⁴¹⁶ that Henry consented that the Scottish king, now of age, should visit Scotland, on condition of returning within a limited time, under the penalty of one hundred thousand marks, giving hostages for security¹. But some pretext was found by the regent for breaking off this negotiation; and he at the same time entered into a correspondence with the duke of Orleans, now a prisoner in England².

While Henry V had entered upon his second expedition ¹⁴¹⁷ against France, and was engaged in the conquest of Normandy, Albany collected a large army, and dividing it into two parts, appointed the one under Douglas to invest Roxburgh, while he himself with the other besieged Berwick. But the dukes of Bedford and Exeter, gathering an array of more than one hundred thousand men, if we believe an English historian, and of which Exeter boasted that forty thousand were equal to the chosen soldiers under Henry in France, the Scots were

¹ Rymer, IX, 323. In the invaluable collection of papers, Vesp. F. VII, f. 108, n. 1, is a warrant for removing Murdac to Warkworth, dated 22 May, regni 3—1415: instructions also occur, f. 110, dated 21 May, r. 3, agreeing to the exchange, provided that Percy assent to fulfill what Robert Umfraville and John Witherington, esquires, have promised to Henry in his name. Henry Percy being at length brought to Berwick, final orders were issued on the 10th Dec. Ib. f. 109.

² Rymer, IX, 417.

³ Guthrie, who generally copies Abercromby, Maitland, and Granger, has occasionally new intelligence, but carelessly omits to point out his authorities. He mentions this correspondence, Vol. III, p. 248, as conducted by means of Henry Talbot, and betrayed by a domestic of Orleans who was a spy in Henry's pay. In Vesp. F. III, f. 5, is an autograph letter of Henry V, recommending attention to this intercourse of Orleans and Albany.

1417 forced to retire³. Albany seems to have had crude intelligence, and to have thought that the force of England was in France, while Henry had in fact only a small but a select army. The people of Scotland not suspecting the numbers of the foe, and only seeing the ineffectual expedition, treated this attempt of Albany with great derision.

The Council of Constance having set a laudable example in the deposition of Benedict XIII, and in asserting the superiority of councils over the popes, after securing the consent of the other catholic kingdoms, at last sent an envoy to Scotland for that purpose. A parliament being summoned to Perth, the Abbot of Pontiniac produced letters from the Council, and from the Emperor Sigismund, and the case was examined. Benedict applied to the Regent, who rather favoured his cause, and appointed Robert Harding an Englishman to defend it, who was so unfortunate as to fall into heretical propositions in the attempt; and the University of St. Andrews, and most of the clergy, supporting Martin V the new pope chosen by the Council, it was resolved that Scotland should follow the example of the other catholic states⁴.

1419 The fortress of Werk was taken by William Halyburton of Fastcastle, but some English troops arriving under Robert Ogle,

³ Bowar, 449, mentions this attempt, called the *Foul raid* or dirty expedition, with due scorn. Walsingham Ypod. 197, ascribes this enterprize to the instigations of Oldcastle and the Lollards, who wished to restore the pretended Richard to the throne: a ridiculous imputation, arising from malignity against the Lollards. Orleans seems to have been the instigator. The bombastic narrative of Thomas of Elmham, p. 162, may excite a smile. In Vesp. F. VII, f. 115, n. 2, is a letter of Henry, dated at Southampton, mentioning that Albany means to attack Berwick by sea and land, about the 23d of August, and that cannon and other warlike stores were shipped in Scotland for that purpose. Albany's army is computed at 60,000. See also Rymer IX, 307, dated 1415.

⁴ Bowar, 449—451.

he deceived Halyburton in proposing a compensation for deliverance of the castle, while his men secretly scaled the walls, and overpowering the Scots flew Halyburton, and his twenty three followers ⁵. 1419

Henry V had now reduced all the northern parts of France; and the Dauphin was left almost destitute of friends or resources. In this necessity he sent an embassy to the Scottish regent, requiring assistance in conformity with long existing treaties; and a parliament being held it was resolved to comply with the Dauphin's demand. In consequence Albany sent his second son, John Stuart Earl of Buchan, with a chosen army of seven thousand men, among whom were some nobles, and many knights and esquires; and upon their arrival in France the Dauphin immediately united them with his little army, then about to attempt the reduction of Languedoc ⁶.

Robert Duke of Albany after having ruled Scotland for about thirty-four years, including his former management under his father and brother, died at the castle of Stirling, in the thirteenth year of his sole regency, after a life of upwards of eighty years. To his high office his son Murdac succeeded; a man of a very different character, indolent and remiss even to weakness, and not capable of paternal, far less of princely authority ⁷. But the circumstances of the times maintained him in his difficult

3 Sept.

⁵ Bowar, 458, after a long, but curious, digression concerning the history of Wales at this period.

⁶ Bowar, 459. The history ascribed to Alain Chartier, Paris 1617, 4to, but really written by Berry, (see hist. de Jean Chartier, Paris 1661, folio) mentions, p. 49, the Scots as just arrived in France in 1419. Des Urins, p. 358, says that two Scottish knights, "Thomas Quelfatry, et Guillaume de Glas," came to assist the Dauphin in 1418: and p. 388, he estimates the Scots who arrived under Buchan and Wigton at only 4000, or 5000.

⁷ Bowar, 466, 467.

1419 station for four years, at the end of which James assumed the
 { sceptre of his fathers.

Few incidents worth notice arise during the short regency of Murdac, except the transactions of the Scots in France, a new scene, but which more properly belongs to the French history. However at the end of this book a brief account shall be exhibited of these deeds of arms, which reflected no small credit upon Scottish valour.

1420 The Earl of Douglas, entering England with a considerable force, took the town of Alnwick, and burned it to the ground^s. In the next year Henry V proceeded to York, and invited Douglas to a conference, in which he found means to engage the earl to serve him with two hundred horse, and as many infantry, upon Henry's allowing him the yearly sum of two hundred pounds². The motives of Douglas to this singular and treasonable treaty are not sufficiently apparent, but it seems that the weakness of the Scottish government concurred with the English gold to instigate this irregular conduct.

To add to the domestic calamities of Scotland under the feeble regency of Murdac, that country was afflicted with a new and wide malady, proceeding from irregular seasons. This was a contagious fever and dysentery, in which many of all ranks perished. Among the persons of note were Henry Sinclair earl of Orkney, James Douglas lord of Dalkeith; and George Dunbar earl of March, a nobleman most fortunate in war, the side upon which he stood being always victorious, as in the battles of Otterburn, Nisbet, Homildon, Shrewsbury, Benrig, and other less important conflicts¹.

1421 In order to induce the Scots to withdraw from France, by bringing them into the hateful predicament of fighting against

^s Bowar, 460.

² Rymer, X, 123, 30 May 1421.

¹ Bowar, 460, who adds that the disease was called the *Quhew*.

their own king, Henry V determined to have the company of ¹⁴²¹ James into France; and, to induce him to compliance, engaged that he should be permitted, three months after their return, to pass to Scotland for a time, upon giving a number of Scottish nobles as hostages². But Henry never returned; and his death in the succeeding year opened a surer prospect ¹⁴²² to James of his deliverance from a lengthened captivity. ^{31 Aug.}

The Duke of Bedford being appointed Protector of England, justly considered it as a superior policy to form an alliance with the Scottish king, and deliver him upon ransom. James was accordingly permitted to send for commissioners from Scotland, to confer at Pomfret with those of England, whose instructions ¹⁴²³ were sufficiently moderate. They were to demand forty thousand pounds, as a recompence for the maintenance of James while he resided in England, the name of ransom being unjust and invidious for a prince not taken in war, nor by his tender age capable of arms: they were to take hostages for the payment in proportions of two thousand pounds a year: to offer perpetual peace, or, if rejected, a long truce: to obtain an agreement that no more Scots should proceed to France, and that those already there be recalled: artfully to induce the Scots to demand an English lady in marriage for the king: and lastly to proceed upon compensation of damages if demanded³. The Scottish commissioners probably returned to submit the terms to their government, and to procure ample ^{6 July}

² Rymer, X, 125. This instrument follows the engagement with Douglas, and bears to have been mediated by that earl, who may perhaps be vindicated on the supposition that he only intended to follow the fate of his sovereign.

In 1420 James was a guest at the coronation festival of Catherine of France, minutely described by Fabian, II, 176, 177.

³ Rymer, X, 294. The proposal of marriage was to originate with the Scots, "*cum mulieres regni Angliæ, saltem nobiles, non soleant ultro virorum connubiis se offerre.*"

1423 instructions; for the final agreement was settled at York, and
 10 Sept. after a delay of two months⁴.

Murdac the regent had sufficiently learned from experience the oppressive weight, and mortifications, of power, when not supported by abilities⁵. His own sons, instead of being awed by the important office of their father, seemed to share his dignity for the sake of licence, and to regard his authority as a protection for their vices. There is a tradition, the simplicity of which seems to speak its truth, that the regent had a favorite falcon, which his son Walter had often requested unsuccessfully, and at last, vexed with repeated refusal, he tore it from his father's hand, and twisted its neck: upon which Murdac mildly exclaimed, "Since you pay me so little respect, I must invite him whom both must obey⁶."

But whether the regent's consent proceeded from his wishes, or from his weakness, and want of influence and ability to withstand the national desire, it is certain that the Scottish commissioners acted with sincerity. The conclusive treaty only bears that forty thousand pounds should be paid for the maintenance of James, within six years, by half-yearly payments: that hostages should be given: and that the Scottish regent

⁴ Rymer, X, 299. Murdac's commission is dated 19 Aug. 1423, gub. 3. ib. 298, whence a doubt may arise that he was not recognized regent till 1420.

⁵ To strengthen his authority Murdac procured bonds of service from some of the nobility. That of Mar, dated 20 Nov. 1420, is among Sir James Balfour's papers, ms. Harl. 4694, fol. 22. Mar becomes "man of spalen, duelling, and revenew," to Murdac, excepting allegiance to the king: and Murdac grants him part of the profits of justiciary, of Aberdeen, Bamf, and Inverness; and his natural son Thomas is confirmed in the reversion of Mar and Garioch. After some other clauses, half the rents of Badenoch, Urquhart, and Strathoun, are also assigned to Mar. On such foundations stood the power of the regents.

⁶ Boyce, f. v. 358. In Oct. 1423 Murdac swore to the observance of the alliance with France. Du Tillet, f. 136.

should

should send embassadors, empowered to close the marriage of ¹⁴²³ James with an English lady of rank. The last clause must refer to the consent of parliament, necessary to effect the espousal and adjust the dower. And a space of time being required to accomplish these affairs, the month of March, in the approaching year, was fixed for the final arrangement. The Scottish commissioners afterwards proceeded to London, and came under solemn engagements to fulfil the agreement, and among other articles undertook to procure four obligations from the burghs of Edinburgh, Perth, Dundee, and Aberdeen, for the whole money to be paid ⁷.

James soon after espoused an English lady who had long ¹⁴²⁴ attracted his affections. This was Joanna daughter of the Feb. duchess of Clarence, niece of Richard II, by her first husband John Duke of Somerset, fourth son of John of Ghent, Duke of Lancaster, and grandson of Edward III. The ceremony was performed at the church of St. Mary Overy in Southwark; and next day the Scottish king received, as the portion of his queen, a discharge of ten thousand pounds out of the sum to be paid to England ⁸. The hostages came to Durham at the appointed time; and James began his long expected journey to his own kingdom. Upon his arrival at Durham, a secondary set of hostages were named, out of which, in case of death, any of the former might be supplied; and a rental of all their estates was given in, which affords an interesting record of the state of wealth in Scotland at that period ⁹. Many Scottish

⁷ Rymer, X, 299, 302. Henry V only allowed 700*l.* a year for the maintenance of James. Pat. Rolls, 2 H 5, part 3 m.

⁸ Rymer, X, 322. Leland Collect. III, 10. Bowar, 474. Caxton's Higden, 1482, f. 412.

⁹ Rymer, X, 327, 333. See Appendix. The instructions for the meeting at Durham occur Vesp. F. VII, f. 27.

1424 nobles and gentlemen now crouded to pay their court to the
 { sovereign; and James, amid the acclamations of the people,
 9 April entered at last his own realm'. But before proceeding to his
 memorable and spirited reign, it will be proper briefly to re-
 view the deeds and fate of the Scots in France.

The year after the arrival of the Scottish auxiliaries, we find Henry V using the company of James, his captive, as a mean of preventing the hostilities of his subjects; but without effect, for they continued to serve the Dauphin, justly regarding their sovereign's will as ineffectual while under constraint. The first important action in which the Scots appear is the battle of Baugé, so called from a village in Anjou, twenty two miles to the east of Angers. The Dauphin had appointed the Scots, led by the earls of Buchan and Wigton, and Stuart of Darnley, to guard that province against the Duke of Clarence, whom Henry V had detached for its reduction. On the twenty second day of March, 1421, the English when foraging took four Scots, and brought them to Clarence, who thus learned that the Scottish army and a few French lay at Baugé. The Duke instantly sprung from the table exclaiming, "Let us attack them, they are ours: but let none follow save the men at arms:" and after a quick march he came to Little Baugé, where a few French defended the church, and gained time for Buchan to arrange his troops. The English aware of this left the church untaken, and advanced; but to a complete defeat. Clarence, distinguished by a coronet of gold and jewels upon his helmet, was the first slain; and a similar fate awaited the Earl of Kent, the Lords Grey and Ros, and above fourteen hundred men at arms. The Earls of Huntingdon and Somerset, and many others of note, were made captives. To

' Bowar, 474.

reward the Earl of Buchan, who had slain Clarence with his own hand, the Dauphin gave him the high distinction of Constable of France². 1424

In the following year the Constable took Avranches in Normandy; and probably learning the agreement which his father-in-law the Earl of Douglas had made with Henry V, he resolved to detach him from the English interest. For which purpose he visited Scotland, empowered to offer the earl the duchy of Touraine; and Douglas consented to bring five thousand men into France. The Dauphin, now Charles VII, rewarded Stuart of Darnley with the lordship of Aubigny in Berry; and the family and title were to become not a little illustrious. The death of Henry V had checked the English exertions; and Buchan and Douglas were only ordered to defend the Loire, and prevent the foe from entering Berry³.

But fortune now became adverse to the Scottish auxiliaries; and two successive defeats almost extinguished them. The first happened at Crevan in Burgundy, in the year 1423.

Charles

² Des Urins, 389. St. Remy, (at the end of the anonymous historian of Le Laboureur,) p. 153. History by Berry, ascribed to Alain Chartier, p. 51. Monstrelet, c. 239.

Bowar, 459, 460, has curious details. Clarence, after having been pierced with a spear by Sir William Swinton, was slain by Buchan with a battle-ax. The brothers of the future queen of Scotland were taken prisoners by the Scots. On hearing the tidings, the pontiff Martin V said ludicrously, "In truth the Scots are the only antidote of the English."

³ Bowar, 463. Jean Chartier, p. 7. Berry, p. 55.

Chartier expressly says "le duché de TOURAINE" was granted to Douglas, and so Berry, p. 60: "ducatus Turonensis," Bowar, 463: a princely gift! He was afterwards buried in Tours, the capital of his duchy, Bowar, 464. See the grant in Du Tillet, f. v. 136, dated 19 April 1423, extracted from the registers of the parliament of Poitiers; and the recognizance of Douglas, as Lieutenant General of France, is published by the same author, f. 136.

1424 Charles VII intended that the Scots should proceed to Champagne, and defend that country against Salisbury; but Aubigny laid siege to Crevan, and sent for cannon, which were refused as he neglected his orders. Salisbury advanced to raise the siege, and an action ensued in which the Scots were defeated: Stuart of Darnley and Aubigny, constable of the Scottish army, was taken prisoner; and soon after exchanged for the marshal of Burgundy: Sir William Hamilton, and about nine hundred, were left on the field⁴.

The other defeat, which may be regarded as final, happened in the first year of James; but the connexion renders its description proper at this place. This was the memorable battle of Verneüil in Normandy, fought on the seventeenth of August, 1424. The archbishop of Rheims had been sent ambassador to Scotland, to procure a reinforcement, which landed in Bretagne; and Douglas, now Duke of Touraine, advanced to raise the siege of Yvry undertaken by the English. But the French king learning that a battle must be risked, before the place was relieved, assembled all his troops, and leaving Tours, with Buchan the constable, he met his barons at Chateaudun and advanced to Verneüil. Bedford upon this raised the siege of Yvry, and marched to meet the French and Scots. Arriving near Verneüil, he sent a herald to Douglas, who had in derision called him John with the leaden sword, informing him that he had come to drink with him, and that

The gift of Aubigny to John Stuart Sieur d'Ervette, (Darnley,) et de Concreffault, constable of the Scottish army, occurs, f. v. 135, dated 26 March 1422. That d'Ervette is a corruption of Darnley appears from Jean Chartier, p. 4, and Berry, p. 58, whose cacography is *Dervelle* (for *Dernelle*). Congressault, or Concorfault, is a lordship in Berry, afterward sold by the Stuarts to the Montpensiers, and had been granted 21 April 1421. Thaumassiere Hist. de Berry, Bourges, 1691, fol. p. 396.

⁴ Jean Chartier, 4, Berry, 53, Hall, f. v. 86, Monstrelet, II, 8.

he

he would wait till he had that honour. The Duke of Touraine answered that he was most welcome; that he had come from Scotland to find him, and he begged him to come quickly. If in these minute matters the manner of Plutarch be imitated, it is because it interests, and paints men and manners. The battalions were soon arranged upon either side, and Douglas resolved not to lose an advantageous station, but to await the English: the Vicomte of Narbonne, the French general, unhappily thought otherwise, and proceeded with the national rashness which had decided the battles of Cressy, Poitiers, Azincour. Douglas was forced to follow the example; and the army lost breath, rank, and station, while the enemy retained all. The French sent two thousand to attack the rear of the foe; but they were defeated by the English archers, and a general rout ensued. The Duke of Touraine, and his son-in-law the constable of France, and most of the Scottishmen of note were slain: and of the French the Vicomte de Narbonne, the Count D'Aumale, and many other nobles: of common French and Scots fell about four thousand five hundred. Douglas was honourably interred in Tours, the capital of his short-lived duchy⁵. Such was the event of the battle of Verneuil, which ruined the affairs of Charles VII, till about five years after, when the Maid of Orleans began to revive them. The heroic race of Aubigny, and other particular families and individuals, were afterwards distinguished in the wars of France; but this ruinous conflict effectually prevented any Scottish auxiliaries from ever visiting that kingdom in future⁶.

⁵ Bowar, 463. Berry, 58—60. Jean Chartier, 8. Leland Collect. II, 490. Caxton's Higden, f. 412. Monstrelet, II, 15. Hall, 88—90.

⁶ A few adventurers must be excepted, and some troops in the reigns of James III and IV, but whose actions are not known to history.

BOOK IV.

CONTAINING THE REIGN OF JAMES I.

Character of James I—parliament—execution of Albany, his sons, and Lennox—parliament—commercial negotiation with Flanders—parliaments—imprisonment of highland chiefs—representatives for shires—treaty with France—insurrection of Alexander lord of the Isles—his submission—commercial treaty with Flanders—parliament—truce with England—commotions in the highlands—English proposals—heretic burnt—March confined—parliament—death of Mar—Margaret of Scotland wedded to the Dauphin—siege of Roxburgh—parliament—assassination of James.

1424

AFTER two weak and inactive reigns, and two regencies of no superior character, a monarch is to succeed, whose government is to be distinguished for its novelty and vigour; and the house of Stuart is at last to know a sovereign. James had now attained his thirtieth year; and his prime of life was yet further recommended by every advantage, which natural talents, and a complete education, could bestow. In person he was rather under the middle size, but endued with such firmness and agility as to excell in every manly exercise. In wrestling, in the management of the bow, or the spear, in throwing the quoit, in running, in horsemanship, he yielded to none. But his mental abilities were yet more conspicuous.

A man

A man of science and learning, an excellent poet, a master of ¹⁴²⁴ music, the fame of his accomplishments reflected glory even on the throne. Illustrious in every personal virtue, free from any personal vice, his very amusements adorned his character; his hours of leisure being frequently dedicated to elegant writing, and miniature painting, to mechanical arts, and to the cultivation of the garden and the orchard¹.

The features of his government it is more difficult to discriminate. If we believe some writers, not less than three thousand men were put to death, in the two first years of his reign; and after the inroad of Donald Balloch, three hundred highland banditti met with the same fate². Happily these matters are quite unknown to contemporary and authentic monuments of our history: the justice of James fell only on a few nobles, and some chiefs of clans; but the numerous dependants of those victims of equitable severity embraced every occasion to excite discontents, and propagate falsehoods against the government, falsehoods which have even passed into the page of history, for one of the misfortunes of the house of Stuart has consisted in the prejudices of several Scottish historians. If any blame must fall, let it fall where it ought, upon the misrule of the house of Albany. To a people who had lived for half a century under a loose and delegated government, and who had been accustomed to regard licence as liberty, it is no wonder that the punishment of crimes seemed quite a new and strange cruelty: that a salutary strength of government ap-

¹ Bowar, II, 504, seq. Mair, 309. His poems, *The King's Quair*, *Peblis to the Play*, &c. have been repeatedly published. Eneas Sylvius, afterwards pope Pius II, who visited Scotland in 1435, describes him as corpulent, "*quadratus et multa pinguedine gravis*." *Descr. Asiæ et Europæ*, Paris, 1534, 8vo. p. 415.

² Abercr. II, 311, from Hector Boyce, f. 361, a fit authority!

1424 } appeared despotism: that a necessary and legal taxation assumed the shape of tyrannic extortion. The commons, led by the nobles, absurdly regarded the cause of the latter as their own, and saw not that the king in crushing the aristocracy was doing the most essential service to his people. The plans of James were sagacious and profound, but sometimes incur the charge of temerity; and while they partake of the greatness of genius, they are limited by the want of a sufficient power in the Scottish monarchy for their complete execution. In a word James is fully entitled to the uncommon character of a great sovereign, in the arts of government and of peace³.

Easter 23 Apr. Upon entering his kingdom, James proceeded to Edinburgh, where he kept the festival of Easter; and afterwards ad-

21 May vancing to Scone, was there solemnly crowned with his queen; Murdac duke of Albany, as earl of Fife, performing the ceremony of placing his sovereign in the throne⁴. A truce of seven years having been previously formed with England⁵, James had full leisure and opportunity to attend to the internal

26 May state of his kingdom; and a parliament commenced at Perth five days after his coronation⁶. With the acts of this parliament begins the regular series of Scottish laws, and a new light arises upon a most important province of history, that of government and manners. The reiterated theme of battles, and negotiations, may now be diversified with more interesting intelligence, and the arts of peace may afford a pleasing contrast to the devastations of war. In this national council it was

³ Bowar, 511, records an apophthegm of James, when he was informed on entering his kingdom, that the regencies had left it a scene of fraud and rapine, "By the help of God, though I should myself lead the life of a dog, I shall make the key keep the castle, and the bush secure the cow."

⁴ Bowar, 474.

⁵ Rymer, X, 328, 332.

⁶ Acts, edit. 1566, (commonly called the Black Acts, because printed in black letter,) fol. 2.

decreed that the antient privileges and freedom of the church ¹⁴²⁴ be confirmed: that the king's peace be firmly held, and no private wars allowed: that no man should travel with more followers than he could maintain⁷: that efficient administrators of law be appointed through all the realm: that no extortions from churchmen, or farmers, in particular be admitted: that the customs and borough rates be assigned to the king, and mines of gold and silver under certain restrictions: that the clergy shall not pass the sea without the king's permission, nor have pensions out of benefices in Scotland: that gold and silver should not be exported but upon paying a high custom: that all persons exceeding twelve years of age should be taught archery: that agriculture be protected by the destruction of rooks, and by a prevention from setting fire to heathy ground while the corn was standing: that certain customs be raised on horse, cattle, and sheep, and herrings, and on furs: that inns be kept in every borough; and no beggars allowed, except permitted by the sheriff in the country, and in towns by the aldermen or bailies⁸.

Such were the salutary regulations of this parliament, many of them bespeaking political prudence, and others an amiable simplicity of manners. But there were two others of remarkable import, and therefore reserved for a separate consideration. The first orders the sheriffs to enquire what lands belonged to the crown, under the preceding monarchs David II, and the two last Roberts, declaring at the same time that the king may summon the holders to shew their charters⁹. The second imposes a large subsidy, in order to defray the sum payable to England for the king's maintenance¹. Though the justice of

⁷ Acts, f. 2, c. 5.

⁸ Ib. f. v. 2, f. 5.

⁹ Ib. f. v. 2.

¹ Ib. f. 3. See Appendix.

1424 these ordinances cannot be questioned, yet their policy may. The former, it is believed, produced no effect, except suspicion, and discontent, among a number of the subjects: and the latter excited an almost universal dissatisfaction. Though a subsidy to defray the king's ransom, if taken prisoner, was one of the few taxes authorized by the feudal system, yet the present circumstances did not, to the public mind, justify the imposition. The tax consisted of twelve pennies in the pound of all sorts of production, farms, and annual rents, cattle and grain, whether of the clergy, or of the laity, and to continue for two years. Auditors, or chief receivers, were appointed, who in the first year collected about fourteen thousand marks; but in the second year the popular expostulations increased and prevailed². The consequence was, that the sum payable for the king's maintenance in England was never defrayed.

1425 It was not to be expected that the usurpations of the family of Albany should pass unrevenge; and James was no sooner firm on the throne of his ancestors than he thought of discharging this great duty in a spirited manner. As their power had continued for a long time, and was deeply rooted in the nation, it was necessary to try the public pulse, and proceed by degrees. Accordingly, in the very commencement of his exercise of authority, James had ordered Walter, the eldest son of the late regent Murdac, into custody; and at the same time, probably only to veil his designs, and prevent the family of Albany from being regarded as the sole objects of his resentment, Malcom Fleming of Cumbernald, and Thomas Boyd of Kilmarnoc, shared the same fate, but were soon after released³. The next objects of imprisonment were Duncan

² Bowar, 482, himself one of the auditors.

³ Bowar, 481, dates this imprisonment on the 13th May 1424, before the king's coronation.

earl of Lennox, father in law to Murdac, and Sir Robert Graham⁴. At length the public inclination being sufficiently explored, James ventured on a most daring expedient; and summoning a parliament to Perth he gave orders to arrest at 12 Mar. once Murdac duke of Albany, and Alexander Stuart his second son, with the earls of Douglas, Angus, March, and not less than twenty gentlemen of great ancestry and power⁵. As it is certain that the revenge only extended to the house of Albany, and was meant to proceed no further, historians find some difficulty in accounting for the pretext or motive to this large exertion of authority. The pretext might perhaps be, that the prisoners had not complied with the late act of parliament in producing their charters; and as most of them, if not all, had been warm supporters of the family of Albany, the motive appears more certainly to have been the prevention of any insurrection in favour of that house. Instantly upon the seizure of Albany, the king took possession of his castles of Falkland in Fife, and Down in Menteith: Murdac was committed to Carlaveroc castle, and Isabella his duchess to Tantallon, places remote from the seat of their feudal influence⁶.

That the precaution used by James, in securing the friends of Albany, was not vain, may appear from the conduct of James Stuart, the youngest son of the duke. Having escaped his intended arrest, he, with the assistance of Finlay bishop of Lismore or Argyle, raised a band of Highland freebooters, assaulted and burned the town of Dunbarton, and put to the sword Sir John Stuart of Dundonald, uncle to the king, with thirty two men. The monarch, justly enraged at this insult,

⁴ Bowar, 482. This Sir Robert Graham was the same who afterwards assassinated James. Buch. X, 28.

⁵ Ibid.

⁶ Bowar, 483.

1425 ordered the son of Albany to be proclaimed a felon; and for
 hot was the pursuit that he was forced, with the bishop and
 other accomplices, to seek refuge in Ireland, whence they
 never returned. Five of his band being taken in a few days,
 suffered the most ignominious and extreme punishment of the
 law⁷.

After a delay of two months necessary to collect sufficient
 proofs of Albany's guilt, and to prepare the minds of the
 18 May people, James adjourned the parliament to Stirling, and this
 important trial was instituted. The jury consisted of twenty
 one members of parliament, all of whom, as forming only
 one house, were in Scotland regarded as peers⁸. The judge
 was the king himself, sitting on the throne of justice, with all
 the pomp of royalty; and this usual practice of the monarch
 presiding in his own cause may be vindicated from the ancient
 ideas concerning a jury, who were esteemed arbitrators of fact
 and of law, the judge being only the organ of their verdict.
 It is remarkable that among the jury we find Walter Stuart earl
 of Athole, Archibald earl of Douglas, William earl of Angus,
 George earl of March, and three gentlemen who had been
 arrested with Albany⁹. As by the Scottish law a majority was
 sufficient to condemn a prisoner, this jury seems to have been
 artfully managed, in order to remove any suspicion from the
 king, and to throw the severity of the verdict upon Albany's
 own adherents. Walter the regent's eldest son was first tried,
 24 May found guilty, and instantly beheaded; any delay serving no
 purpose in such a case but to create danger. Being a man of
 tall and comely stature, eloquent and affable, he was rather
 regretted. Nor did the vulgar voice less commiserate his
 brother's gigantic shape, the former authority of Albany, the

⁷ Bowar, 483.

⁸ Home, lord Kaims, Hist. Law Tracts, 272.

⁹ Bowar, 483.

venerable age of Lennox, a nobleman approaching his eightieth ¹⁴²⁵ year, who were all three executed on the following day'. We are left in the dark concerning the ostensible grounds of their condemnation; but it is probable that their seizure of the royal lands, and property, formed a chief article. The estates of Fife, Menteith, and Lennox, with others, thus became the property of the crown, and contributed in some degree to compensate the defalcations, which had happened under the regencies².

It must not be omitted that, in the second parliament of this reign, held at Perth as above mentioned, several prudent laws were passed, for the more effectual punishment of those who infringed the acts of the national council³: for preventing any leagues among the subjects, an edict evidently pointing to the present circumstances of Albany's adherents; as does another, punishing the receivers of rebels by forfeiture, and another noted statute condemning to death and confiscation all guilty of propagating falsehoods between the king and the people. Other laws of this assembly contain regulations relating to trade and agriculture, and the administration of justice; on which last head it is ordered that all the inferior judges abide by the strict tenor of the law, and that the king may warn them so to do, as well those within regalities as others: that if a poor person cannot fee an advocate, the king shall provide one: that if the sovereign pardons, on condition of the damage being compensated to the plaintiff, consideration

² Bowar, 483. The Coupar ms. ib. note, says Walter Stuart was convicted of robbery; a hint that the depredation of the royal domains, and revenues, was the chief charge against all the criminals.

³ But the estate of Lennox was not forfeited, and continued in a kind of abeyance. Douglas Peer. 397.

⁴ Acts, f. 6.

1425 be had of the highlanders who before the king's return were used to rob and kill each other, for from them the compensation cannot be raised, but from the lowlanders ⁴.

Aug. While James was celebrating the anniversary of his birth at St. Andrews, attended by Douglas, Mar, Murray, Angus, and other nobles, he gave audience to the Flemish ambassadors who had been deputed to settle some commercial differences. The Scottish merchants had, during the regencies, been treated with great arrogance, nay even letters of marque had been issued against them, in Flanders, which, with the duke of Burgundy, sustained the English party against France. James had in consequence ordered the Scottish trade to be transferred to Middleburg in Zealand; but upon the offer of compensation, and enlarged privileges, by the ambassadors, the commerce was restored to Flanders ⁵. As Venice was the grand seat of trade between Asia and Europe, so Bruges in Flanders was the commercial link, which connected the merchandize of Venice, and the south of Europe, with its northern countries. Most articles of manufacture being also imported from Flanders by the Scots, who were yet little versed in the arts of industry, it is no wonder that the Flemish were eager to retain a com-

⁴ Acts, f. 6—8. The officers of state appointed by James appear, from Scotstarvet's Calendars, to have been, John Cameron bishop of Glasgow chancellor; Sir John Forester chamberlain; Myrton dean of Glasgow treasurer; Robert Lauder of Bais justiciary; Walter Ogilvy master of the household; John Shevis clerk of register; William Foulis secretary, afterwards keeper of the privy seal; John of Spens comptroller.

On the 8th June 1425, James issued a commission to Henry bishop of St. Andrews, authorizing him to resume all alienations from the church, with power of anathema, and orders to all justiciaries to assist. This curious paper is preserved in Harl. ms. 4637, Vol. III, f. 189, with an unimportant deed of that patriotic prelate, 18 April 1414.

⁵ Bowar, 487.

merce, which was one great cause of impoverishing Scotland, ¹⁴²⁵
and contributed not a little to the riches of Flanders.

It is with much complacency that this narration now proceeds with the history of peace, for which ample materials begin with this reign to be found in Scotland. In a third ¹⁴²⁶
parliament, it was ordered that all merchants should import ^{11 Mar.}
some armour, and arms, with their cargoes⁶: that all the lieges should be governed by the laws of the realm, and not by particular laws, or privileges, or by the laws of other countries: that no man, who had accused another, should be of the jury on his trial: that the prelates, earls, barons, and freeholders of the king, should appear personally in parliament, and not by procurators, except on lawful cause: that the books of the law be examined, and reformed: that to support the inns, travellers should lodge in them, and not with friends: that none should pass into Ireland without licence, as the rebels had been there received, nor should the Irish come to Scotland as they might be spies for the English: that a court of session be instituted, the chancellor, and certain discreet persons of the three estates, to sit thrice a year, for a period of time, and hear all causes: that they who have nothing shall labour for their living: that the acts of parliament be registered, and copies given to prelates, barons, and burghesses, at their expence⁷. This last act was particularly necessary, in order to render the parliamentary institutions known, and practical: and after all it is recorded, as an apophthegm of Buchanan, that in Scotland one great act of parliament was wanted, namely a decree to enjoin the strict observance of the others. For a chief part of government, though unobserved by politicians, rests in the spirit of the people: laws are vain

⁶ Acts, f. v. 8.

⁷ Ibid. f. v. 11.

1426 without manners: and a nation, accustomed to loose misrule, regards even law as a part of its licence, as a sermon and not as a duty, as a splendid theory and not as solid practice. In a special assize of this parliament, regulations were introduced into weights and measures, and provisions were made against the fatal effects of domestic fire¹. The frequent assembling of the national council does great honour to James, for monarchs inclined to despotism have ever trembled to meet the representatives of their people; and the acts reflect praise on the patriotism and the wisdom of the institutors.

To renew the treaty with Denmark, and adjust the debt due to that kingdom for the dereliction of the Hebrides to Alexander III, the Scottish king sent Sir William Crichton his chamberlain, and two other envoys, to Bergen; where, the debt being completely cleared, an amicable arrangement was signed².

29 July
30 Sept. Another parliament, held in the same year³, after some regulations concerning trade and agriculture, ordered that every lord beyond the Grampian mountains, in whose lands ancient castles stood, should repair and dwell in them, or at least one of his friends, in order to govern the country and expend the produce in the territory. To give an example James commanded the castle of Inverness to be repaired⁴: and finding that the highland chiefs were strangers to his laws and government, he resolved to inculcate into their obduracy some principles of good order by a salutary severity. The Lords of the

¹ Acts, f. 12. The date is 11 March 1426, which by modern computation is 1427, but the next acts are of Sept. 1426: the mistake seems to have arisen from this parliament having sitted till after the year 1426, commenced on the 25th March.

² Torf. Orc. 198—205. Bowar, 509.

³ Acts, f. 14. Compare Glendock's folio edition, p. 12.

⁴ Bowar, 488.

Isles in particular, by their constant confederacy with England, ¹⁴²⁶ and repeated inroads, well deserved a signal chastisement. In pursuance of these motives, certainly just and laudable, the king assembled a parliament at Inverness in the spring, which ¹⁴²⁷ the highland chieftains were specially summoned to attend; and suddenly arrested Alexander Lord of the Isles, and his mother the Countess of Ross, Angus Duff leader of four thousand Mackays of Strathnavern, Kenneth More chief of two thousand, John Ross, William Lesley, Angus Moray, and Macmaken, each also a chief of two thousand; and in short about fifty principal heads of lawless clans. Two of them, leaders of a thousand each, were instantly tried, condemned, and beheaded; and one, who had murdered the late Lord of the Isles, was also executed in impartial justice. The others were scattered, as prisoners, among the castles of different lords through the kingdom; and after a time some were condemned to death, and some were restored to liberty. The Lord of the Isles and his mother were retained in captivity till, apparently after a year or more, the former was delivered, while the latter seems in vain to have been retained as an hostage for his fidelity³. Such were the proceedings upon this occasion, which by some have been termed sanguinary; but, if necessity be the tyrant's plea, it is also that of law and of justice. Lenient and conciliatory measures would have had the same effect as music upon the deaf, and could have served no end but to increase the pride of these chieftains, and to debase the laws and the monarchy. Perhaps it might however have proved more political if James, upon the capture of the

³ Bowar, 488, 489. She was daughter, and heiress, of Sir Walter Lesley, who, with his brother Norman, took Alexandria in the time of David II, and had a French title. Ib.

1427 chiefs, had insisted upon receiving their sons, or nearest relations, as hostages; and thus not only have had pledges for their good behaviour, but also an opportunity of contributing to civilize the highlands by bestowing on the future chiefs a proper education: a conduct which might have passed into a perpetual rule. But in the choice of difficulties it is almost impossible to seize the exact mean; and if equity enforce the acknowledgement that James was apt to do too much, and too little, the peculiarities of the country, and of the time, must come in for a share of the blame.

1 July It was ordered in a parliament, held at Perth, that those burghesses who were summoned to parliament, and were absent without lawful cause, should be fined in ten pounds each: that the lawfuits of Scottish merchants in Zealand, Flanders, or other foreign countries, be decided in Scotland: and several acts appear for the punishment of murder and felony⁴.

1428 The next year is distinguished by a considerable innovation
March in the Scottish constitution. An act of parliament passed that the small barons or freeholders, might dispense with their attendance in the national council, upon appointing two commissioners from each shire: these representatives were to have the privilege of choosing the speaker of parliament; and the expence of their attendance was to be defrayed by those who

July formerly owed that duty⁵. Another remarkable decree afterwards appeared, enjoining the successors and heirs of prelates and barons, to take an oath of fidelity to the queen⁶; an in-

⁴ Acts, f. 15—17. In the original the date is 1426, but errors in the numerals are not uncommon in the statutes, and it is acknowledged in the preface that the copyists have often fallen into mistakes. The 22d year of the king, and tuesday being the 1st of July, monday the 7th, are circumstances which fix 1427, the dominical letter being E.

⁵ Ibid. f. v. 17.

⁶ Ibid. f. 19.

stitution probably pointing to her regency, in case of the king's demise, and the immaturity of the prince. 1428

Some trifling negotiations had taken place in the preceding year with England, now governed by the duke of Gloucester and cardinal Beaufort; but James, though indebted to that kingdom for an education excellent and truly royal, to which, and to the school of adversity, he owed the expansion of his talents, had yet no reason to be satisfied with the generosity, or the friendship, of the English court⁷. The Scottish monarch was therefore well inclined to follow the former tide of politics towards France, whose king Charles VII was still in a most reduced situation, and nearly overwhelmed by the power of England and Burgundy. Resolved by every concession to procure the aid of Scotland, Charles dispatched the Archbishop of Rheims, and John Stuart, Count de Dreux and Lord of Darnley⁸, for that purpose. In consequence of their instructions, the ambassadors offered to conclude a contract of marriage between Louis the Dauphin, afterwards Louis XI, and Margaret the eldest daughter of Scotland, both then infants, upon condition, that James should send six thousand effective men to the assistance of Charles, being the only dower required. The princess was nevertheless provided in an income, and contingencies, as ample and honourable as had been ever granted, upon any royal marriage of France. Such terms could not be refused; and the contract was signed and ratified. Nay, the two monarchs mutually swore to observe the former

⁷ Rymer, X, 376, erroneously ascribes a commission of James IV to the bishop of Moray, for a personal conference with Henry VII, to this year; mistaking the 22d of James IV, 1509, for the 22d of James I, 1427. Abercromby, who easily misleads and is misled, has fallen, II, 280: Guthrie, III, 315, 316, is as usual ludicrously wise upon the occasion, though the mistake had been detected by Keith, Bishops, 87. Henry VI was only six years of age.

⁸ *Aubigny* was now in abeyance?

1428 alliances, entered into between their kingdoms: and Charles assigned to the Scottish king the county of Xaintonge, and Lordship of Rochfort⁹. The six thousand men were to be sent when the French fleet arrived to transmit them; but the state of affairs, which changed in favour of Charles the following year, rendered the maid of Orleans an object of greater attention; to the increasing prosperity of France the aid was unnecessary, and was never sent, nor demanded; but as no infringement could be charged, the treaty of marriage maintained its force, and seven years after was fully completed.

1429 The government of England was rather alarmed at this new connexion between Scotland and France, and an interview was proposed between James and cardinal Beaufort: the king
10 Feb. was to be attended by a thousand horse, and the cardinal obtained permission from the English court to meet him either on the borders, or in Scotland¹. But the interview was apparently not carried into effect, and was perhaps found to be unnecessary, as the French alliance did not actually occasion any infringement of the truce.

The Lord of the Isles, who had been at last set at liberty, after many admonitions and injunctions of fidelity, soon indulged his revenge by gathering his lawless bands, and burning

⁹ Ms. Leagues France and Scotland, Harl. 1244, sub anno, signed by James 19 July, by Charles 29 Oct. 1428. Instead of Xaintonge, the duchy of Berry was offered, *ib.* but neither was actually given, though the former was afterwards claimed by our monarchs. These deeds also appear in Du Tillet's *Recueil*, Paris 1588, folio, with the oath of the Scottish *queen*, prelates, &c. to observe the treaty, f. 138.

¹ In 1427 some Scots were in France, under Kennedy; and assisted La Hire in the noted relief of Montargis. Jean Chartier, p. 495.

¹ Rymer, X, 410. On the 1st Dec. 1428 a safe conduct had been issued to James, to meet the cardinal at Durham or Newcastle, *ib.* 403; but the king rejected the proposal. Yet he renewed the truce, 12 July 1429, *ib.* 428.

the town of Inverness. James, justly enraged, collected an ¹⁴²⁹ army, and overtook the invader in a marshy ground near ^{Lochaber}; where the freebooting lord was totally defeated. ^{23 June} His force consisted of about ten thousand men, of whom two clans, Chatan and Cameron, on the sight of the royal standard, acceded to the king². The Lord of the Isles, reduced to despair, sent an embassy to entreat peace; which being refused, he resolved to put himself entirely in the king's mercy. For which purpose he came privately to Edinburgh, and on a solemn day, only attired in his shirt and drawers, he before ^{27 Aug.} the high altar of Holy Rood Church, upon his knees presented his drawn sword to the king, in the presence of the queen and many nobles. His life was granted, in consequence of his humble submission; but he was committed to the castle of Tantallon, under the care of his nephew the earl of Angus; and his mother, the countess of Ross, to the island of Inch Colm in the firth of Forth³.

A commercial league of one hundred years was entered into between Scotland and Flanders⁴. The latter country had, in 1384, passed to the dominion of the house of Burgundy by marriage; and this treaty was concluded with Philip III duke of Burgundy, who in 1430 was to become also duke of Brabant, and in 1433 earl of Holland and Hainault; united principalities, which ranked him among the chief potentates of Europe.

Several patriotic regulations were issued by the parliament concerning the forms of procedure; and a sumptuary law was ¹⁴³⁰ March

² Bowar, 489, who adds that on the 20th March following, 1430, the former clan surprized the latter in a church, and destroyed almost all its people.

³ Ibid. 490.

⁴ This alliance is referred to on its renewal in 1530. Harl. ms. 4637, Vol. III, f. 16.

1430 passed, permitting no men to wear silk, or furs, except lords, and knights, and their eldest sons and heirs. The different sorts of armour, and arms, to be used by various ranks of persons, were accurately prescribed: and it was ordered that the same laws should be observed in relation to wrecked vessels, as were used in the countries to which they belonged: and that advocates should swear to their belief in the justice of the cause which they pleaded. All Scotchmen, who travel to England without the king's leave, are declared traitors; and, by a remarkable decree, all barons and lords, having lands on the western or the northern seas, particularly those opposite to the islands, are enjoined to furnish a certain number of galleys, according to the terms of their tenures⁵. The want of a fleet, to keep the islands in due subordination, must have suggested this last institution: the policy was laudable, and it must be allowed that James attempted more than all his predecessors to join the discordant parts of his kingdom in firm and compact union; but this decree, like most other Scotch acts of parliament, seems to have been carefully eluded.

16 Oct. The prosperity of James was further advanced by his becoming the father of male-twins, one of whom, James, was to ascend the throne upon the premature death of his father; but Alexander, the first-born, died in early infancy⁶.

1431 The truce with England being on the point of expiration,
1 May was renewed for five years⁷: and the wisdom of the Scotch monarch preferred to the vain glory of war his patriotic cares for the establishment of law and order in his dominions. For

⁵ Acts, f. v. 19—f. 22.

⁶ Bowar, 490.

⁷ Rymer, X, 482—488. This truce appears to have been settled at Edinburgh in Dec. 1430. See the instructions, Feb. Vesp. F. VII, f. 43. On the 24th May 1430 Martin V granted to James, and others, an absolution from the oaths taken in England. ms. Harl. 4637, Vol. III, f. 155.

unknown causes James ordered the Earl of Douglas, and Sir ¹⁴³¹ John Kennedy, his own nephews by the maternal side, to be imprisoned. Perhaps Douglas had been guilty of some private practices with England; or the king wished to secure the peace of the south of Scotland, while he was employed in quelling the northern insurrections, by retaining Douglas its chief leader in captivity. Conjecture wanders in such enquiry; but it is certain that Douglas remained a prisoner till the end of September this year; when the king in a parliament, held, as usual, at Perth, consented, at the request of the queen, nobles, and prelates, to deliver both Douglas and the lord of the Isles^s.

Meanwhile, in spite of all the endeavours of James, the highlands remained in a state of constant rebellion and savage anarchy. In Strathnavern Angus Duff, and Angus Moray, both of them lately delivered from the imprisonment ordered at Inverness, met in conflict with twelve hundred men upon either side; and so fierce was the encounter that hardly nine of the whole were left alive⁹. Donald Balloch, a relation of the Lord of the Isles, landed in Lochaber with a considerable force; and finding Alexander Stuart Earl of Mar, and Alan Stuart Earl of Caithness, stationed at Inverlochy, to defend the western coast, he attacked them, though leaders of a larger number, and put them to a total rout. Alan, who was the son of Walter Earl of Athol, was slain, with sixteen squires of his own family, and many others: Alexander, and the remainder escaped by flight. Donald, conscious of the atrocity of his offence, took immediate refuge in Ireland¹.

^s Bowar, 490.

⁹ Ibid. 491. Angus Duff was the chief of the noted Mackays of Strathnavern, ib. 489.

¹ Bowar, 491. Boyce, f. 361, fables that James ordered three hundred of Donald's followers to be executed.

1431 } Another subsidy was attempted to be raised this year, in order to subdue the northern rebels; but with what success it was levied, is not apparent².

1432 } After a short period, condemned to the silence of history, but which probably passed in quieting the commotions in the highlands, of which no further intelligence occurs during this

1433 } reign, the scene of public affairs again opens. The English government, sufficiently alarmed at the declining state of their power in France, became more and more anxious to prevent the now impending completion of the marriage treaty between that kingdom and Scotland: and for this purpose sent Lord Scrope to the court of James, with offers of great advantage. His proposals were a firm and perpetual peace, and the restitution of Roxburgh and Berwick, and every portion of territory which Scotland could justly claim³. There is reason to believe that the English were sincere; but the honour of the king and of the nation, and the mutual interests of France and Scotland, were motives momentous enough to cause the rejection of even superior terms. The discussion of this affair

oæ. } ended rather ludicrously. A parliament being called at Perth, the propositions were agitated before the king, in the Dominican Church; and the nobles and prelates seemed to accept the terms, saying that peace and liberty were the objects of their chief desire. But the abbots of Scone and Inchcolm, fitter assistants at a monastic dispute than at a public deliberation, asserted that the Scottish king could not treat of peace with England, because of the confederacy with France, which

² Acts, f. v. 22, c. 146. See Appendix. Bowar, 482, forgets this tax, though he was again one of the auditors.

³ Bowar, 498. In Vesp. F. VII, f. 53, is a paper 23 July, (11 H 6, 1433,) being an answer to the credence of Roule, the envoy of James, and promising that lord Scrope should soon be sent to promote peace.

had been examined by the university of Paris, and confirmed ¹⁴³³ by the Pope. Other objections were also started; and the day being wasted in discussion, it was agreed to resume the subject on the morrow, when John Fogo, abbot of Melrose, alledged, on the other side, that no person could abide by the divine laws, who depended on the will of another; and that no king could lawfully swear to another that he would not make peace with a third, except by the consent of the second. Violent altercations among the clergy now arose; the parliament was transformed into a hall of ecclesiastic disputes; and as such disputes never decide any thing, the members separated without determination, only the very want of decision left the alliance with France in full force; and the English propositions were considered as rejected. Lindoris, the inquisitor, called Fogo to account for his sentiments, as favouring of heresy; and Fogo retorted by several epistles, but was at last forced to make concessions⁴. This strange affair calls to remembrance the latter history of the Greek empire, when vehement churchmen ruined the national concerns by idle disputes; and so totally useless is learning out of its place, that a senate of American savages, exerting only their plain sense, would have discussed such a subject with far more ability than all the abbots in the world. To complete the absurdity, the Scottish churchmen gave out that the only intention of England had been to excite schisms and heresies in Scotland⁵; as if the very idea of such imbecility could fall within the conception of any political mind.

The clergy had, in the preceding part of this year, exerted their power in a manner yet more blameable. Paul Crawar

⁴ Bowar, the abbot of Inch Colm, 499, 500.

⁵ Ibid. 499. A letter of James to the Council of Basle, Aug. 1433, occurs in Martene's *Anecdota*, Paris 1729, folio, Tom. VIII, p. 615.

a German,

1433 a German, and a follower of Hufs, having come from Prague to Scotland, where he exercised medicine, was called to account for his opinions by Lindoris the inquisitor, condemned, and burnt at St. Andrews⁶.

1434 James proceeded in his schemes of humbling his nobility, schemes too great for his powers of execution⁷. The earls of March had been long remarkable for their dubious fidelity to Scotland, and repeated ingratitude to its sovereigns: nor was the memory of the late revolt, and the mischiefs which it had produced in the preceding reign, easily to be extinguished. Having therefore quelled the isles and highlands, which, as the most important office, engaged his first cares, the king resolved to complete his own power, and that of his kingdom, by removing the family of March from a territory which had been the free gift of a Scottish king to an English exile, and by placing that house in a more northern and secure part of Scotland. In pursuance of this just and prudent plan, James ordered the earl of March to be confined in the castle of Edinburgh, and took possession of the fortress of Dunbar, the chief seat of the family⁸.

1435 A parliament being summoned, two clergymen, and seven
10 Jan. commons, were appointed to hear and report all causes during

⁶ Bowar, 495.

⁷ On the 1st Feb. appear instructions to lord Fitzhugh, concerning the redress demanded by James for some Scottish ships taken at sea. Vesp. F. VII, f. 57, original signed by the English council. Of the 7th Feb. ib. f. 58, is a credence to Mr. Stephen Wilton, envoy to James. As to the proposed marriage between Henry VI, (now eleven years of age,) and a daughter of James, it had often been deliberated; but the council hesitated, and referred it to Henry's kindred; so a great council was to meet at Easter in London, and their opinion should be remitted to James. Dragon pursuivant had lately been sent to Scotland concerning the march infractions. His instructions occur, ib. f. 49.

⁸ Bowar, 500.

the session⁹; an institution not explained, but apparently intended for expediting this particular business, and quite distinct from the committee of lords of the articles, who are known as early as the reign of David II. The king's advocates alledged that the father of March having engaged in open rebellion against the kingdom, it was not in the power of Robert duke of Albany the regent, to pardon him, a privilege belonging to the crown only; but that the estates were forfeited: and that, by the laws of Scotland, all alienations of crown-lands, to which description the forfeited estates of March belonged, were void, when made during the minority, or captivity, of the sovereign. After a long debate the parliament decreed by the mouth of David Dempster the speaker, that the estates of March were forfeited, and remained a part of the royal property¹. The king completed his design, by immediately granting to March the earldom of Buchan, which had some time before reverted to the crown². The only other act of this parliament engages all the members to give written promises of fidelity to the queen³: and it seems that James was not unaware that his public spirited measures laid him open to attempts of private revenge: a suspicion, alas, too soon to be verified.

A considerable property accrued to the crown, by the death of Alexander earl of Mar, a personage repeatedly mentioned before. This nobleman had debased his youth by bad actions; but, in the latter part of his life, had acquired no small reputation in foreign wars. Being a natural son of Alexander, the fourth son of Robert II, his estates and effects, as provided

⁹ Abercromby, II, 292, gives their names.

¹ Ibid. Acts, f. v. 23.

² Bowar, 500. The earl of Buchan, killed at Verneuil 1424, left only a daughter. Stewart's Gen. 115.

³ Acts, f. 24.

1435 by the old Scottish laws concerning bastardy, fell to the king⁴.
 There may be a surmise that Walter earl of Athole, only surviving uncle of the king, being also uncle of Mar, who left no surviving issue⁵, had entertained ambitious hopes of adding this contiguous earldom to his own, and that of Strathern, which the king had bestowed on him eight years before; and that his disappointment was one incentive to the atrocious murder of his nephew and sovereign, if he really was concerned in that crime.

An infringement of the truce happened on the part of England. Sir Robert Ogle younger, in support of one of the rebels against James, entered Scotland with a considerable force, and ravaged the country about Halton and Paxton. After a conflict, in which about forty were slain, Ogle was defeated, and made prisoner with most of his followers, by William earl of Angus, Hepburn of Hailes, and Ramsay of Dalhousie. James warmly remonstrated to the English court against this wanton infraction⁶.

1436 The dauphin of France having now attained his thirteenth year, and the Scottish princess her twelfth, it was resolved to complete the marriage. Two French envoys arrived, to betroth the bride; and she was sent to France attended by a small fleet, and an honourable train, of which the chief persons were William Sinclair earl of Orkney the admiral, and John bishop of Brechin. The others amounted to sixteen knights and squires, and a hundred and forty young gentlemen: they were guarded

⁴ Bowar, 500.

⁵ Mar's son Thomas died before his father. Sutherland Case, ch. V, p. 48.

⁶ Bowar, 500, says Ogle was defeated at Piperden. The date is ascertained by the correspondence of James and Henry on the subject, mentioned in the long instructions of the English council for redress, Vesp. F. VII, f. 48, dated 5 Feb. regni 14=1436. This inroad is ludicrously magnified by our historians,

by a thousand armed men, in three galleys, and six barges. 1436
 The English government, irritated at the rejection of their }
 proposals, sent out a fleet of one hundred and eighty vessels,
 to intercept the princess; and they awaited her appearance in
 the channel. Meantime a number of Flemish merchant ships
 appeared, loaded with wine from Rochelle, which were cap-
 tured by the English, but a Spanish fleet suddenly approaching
 recaptured the prizes. During these contests, the royal bride
 arrived safe at Rochelle, being forced to reach that part of May
 France, as the English and their allies possessed the north: 20th
 and a dispensation of age being granted by the archbishop of 13 June
 Tours as diocesan, the marriage was soon after solemnized. 6 July
 Though James was, by the feudal law, entitled to a subsidy
 from his people upon this occasion, yet he had discovered from
 experience their inability, or disinclination, to pay any tax;
 and he was contented with the contributions of the principal
 laity and clergy, which were not a little liberal⁷.

The unhappy bride had passed to a husband of famed ma-
 lignity; and not all her prudence, her wit, her love of learn-
 ing, her taste for poetry, her affability, could save her from
 the pangs of domestic distress. After an unfruitful marriage
 of nine years, her extreme delicacy of mind caused her to fall
 a sacrifice to a vague word of a villainous courtier⁸.

Enraged at the manifest hostility committed by the English,
 in the attempt to intercept his daughter, the delay of redress
 for the incursion of the former year; and probably desirous of

⁷ Bowar, 485, 482. A minute account of her reception in France, and
 marriage, may be seen in the *Hist. de Charles VII*, par Jean Chartier, edit.
 Louvre 1661, fol. p. 91. The dispensations, and other papers relating to the
 marriage, may be found in the curious history of Louis XI by Duclos, Haye,
 1750, 8vo. Tome III. p. 4—15.

⁸ See the notes on the year 1445.

1436 preventing any machinations of his nobility, in consequence of his vigorous measures, James resolved upon a war with England: a step to which he might also have been induced by his treaties with France, now completed by the marriage of the dauphin and Margaret. He summoned the whole array of his kingdom, computed at nearly two hundred thousand men, mounted on small horses, but not entitled to the appellation of cavalry, and yet a greater number of rude infantry, and loose attendants on the army. With this unwieldy force he besieged Roxburgh; and after wasting fifteen days, and almost all the missive arms of the kingdom, he was forced to abandon the siege, and return inglorious⁹. Such is the account of our monastic historian, whose constant warmth in the praise of James, justifies his candour. Latter writers, upon no authority, say that the king dismissed his army because he heard of a conspiracy, which would have been the best reason for retaining it. The real cause seems to have been that James found that he was consuming his own kingdom by so numerous an host, and could not dismiss a part, without an affront; or that the spirit of the nobles, shewn under his successors, began to operate in a contempt of the regal authority, and in the sacrifice of their country to their resentments.

22 Oct. The last parliament of James I met at Edinburgh. It was decreed that jurymen should swear that they had received no bribes:

⁹ Bowar, 502. He estimates the force at 400,000! But "inglorii remeant." The affair is singular, and rather obscure. Harding, c. 229, 230, says that the connexion of James with Burgundy led him to this invasion, and that he fled on Northumberland's advancing with 80,000 men. The nobles probably shewed their discontent by dissension, as in the reigns of James III, and V. Burgundy had abandoned the English interest in 1435, and James was in strict alliance with him.

that

that trespassors may be accused at the king's instance, though ¹⁴³⁶ no private prosecutor appear: that, to secure the importation of bullion, merchants should bring three ounces of bullion for every sack of wool exported, and a similar rate for hydes, and Hamburgh barrels: that no persons be permitted to remain in taverns after nine o'clock at night: that no English goods be brought into Scotland, and that no English man import such except by special permission: that no Scotishman sell salmon to the English, except the latter have safe conduct and pay English gold: that no Scotishman buy wine of certain Flemings in Scotland: that no person be permitted to remove gold, silver, or jewels, out of Scotland'. The commercial regulations seem more calculated to fetter, than to encourage, trade; but it was long before the real spirit of commerce was understood, even in more enlightened countries.

The cruel terminating scene of the life of James approaches: ¹⁴³⁷ A very minute, and interesting, account of this melancholy transaction is contained in a manuscript of the period, hitherto unknown to our historians, and which shall be here followed²; and it is hoped that the singularity, and importance, of the scene will afford a sufficient excuse for a degree of prolixity.

Sir Robert Graham uncle of the earl of Strathern, afterwards of Menteith, had been imprisoned in 1425, as is above mentioned, but the cause is unknown. Two years afterwards James had resumed the earldom of Strathern, upon pretext, as seems, that it was confined to heirs male; and had given it to his uncle Walter earl of Athole for his life: assigning, in recompence, that of Menteith to Malis Graham, the former

¹ Acts, f. 24, 25.

² This memoir is printed in the appendix, and is not only extremely curious and important in itself, but as it presents a specimen of the English language between the time of Chaucer and that of Fortescue.

1437 earl of Strathern'. Robert Graham may have been discontented at this exchange of his nephew's dignity; but it is not easy to conceive that his wrath upon this account could have excited him to the murder of his sovereign, and far less that he could have wished to serve the ambition of Athole, to whom his nephew's former earldom had passed. The art of this man seems to have equalled his audacity; and he must have instigated Athole, now approaching, if not exceeding, his seventieth year³, to this conspiracy by ambitious views, only fit to captivate the dotage of age, or inexperience of youth, and inspired by Graham solely to promote his own desperate revenge. This idea is favoured by the following narration, which also explains the violent causes which inflamed this assassin: but it would be neither a matter of paradox, nor blame, to infer that Athole, and his family, were really innocent; and that they were accused by Graham to gratify his animosity, because Athole held his nephew's estates and dignity. It shall only be further premised that Sir Robert Stuart, grandson of Athole, on whom the conspirators pretended to bestow the crown, was the son of David, eldest son of that earl, left an hostage in England for James, ever since his arrival in his kingdom; and who apparently died there either before this period, or soon after.

According to this ancient relation, James had discontented his nobles by his vigorous procedure against them; and they asserted that his avarice of confiscated estates, and not his justice, induced him to such actions. The people were also displeased because of the subsidies imposed, to which they had

³ See the Sutherland Case by Sir D. Dalrymple, ch. v. p. 56, 57, from the original charters.

⁴ Walter earl of Athole and Strathern, the second son of Robert II by Euphemia Ross, must have been born about 1367 at the latest.

long been strangers; and were even inclined to pronounce his government tyrannic. In this posture of affairs, and probably ¹⁴³⁷ in the year 1434, after March had been confined, and his estates seized, Sir Robert Graham, now delivered from his first imprisonment, and irritated by that disgrace, proposed, in a meeting of the lords and chief men, that he would represent their grievances to the king, if they would support him. As he was eloquent, and versed in the laws, they willingly assented. Accordingly, in the next parliament, or that held for the forfeiture of March in January 1435, Graham's violence led him to exceed his commission; for he rose with an enraged countenance, and approaching the royal seat, laid his hand on the king, saying, "I arrest you in the name of all the three estates of your realm, here assembled in parliament; for, as your people have sworn to obey you, so are you constrained by an equal oath to govern by law, and not to wrong your subjects, but in justice to maintain and defend them." Then turning around, he exclaimed, "Is it not thus as I say?" But the members, struck with consternation at Graham's rashness, remained in profound silence: and the king instantly ordered the audacious censor to prison, to which he was conveyed, after a severe sarcasm on the meanness of spirit, shewn by those who had promised to support him. Soon after Graham was ordered into banishment; and all his possessions forfeited to the king.

The bold and gloomy exile retired into the furthest highlands, meditating revenge: and he had even the audacity formally to renounce his allegiance, and to send a defiance to the king in writing, asserting that James had ruined him, his wife, and children, and possessions, by his cruel tyranny; and that he should kill his sovereign with his own hand, if occasion offered. Upon this a proclamation was made, promising three thousand demies of gold, each worth half an English noble, to

1437 to any person who should bring in Graham dead or alive. Meantime that ardent spirit was employed in digesting his scheme, and he sent messages to several of the members of parliament, during its session in October 1436, offering to assassinate the king, and bestow the crown on Sir Robert Stuart, Athole's grandson, nephew and favorite of James.

The court held the festival of Christmas at Perth; and the contemporary narrative details some popular stories concerning omens, which happened to James. The worst omen was his vigorous administration, which had created many enemies; among whom the conspiracy spread, like a fire among combustible materials, and had even reached the most intimate attendants of the palace, without exciting any suspicion. Thrice did Christopher Chambers, one of the traitors, and who had been a squire of the duke of Albany, approach the royal presence, to disclose the plot; and as often did he fail, from accident, or from a mistaken sense of honour, or pity to his associates.

20 Feb. At length the conspiracy being fully ripened, a night was fixed for its execution; being that of the second wednesday in lent, according to Monstrelet, or the twenty seventh day of February in the year one thousand four hundred and thirty-seven; but that of the first wednesday in lent, between the twentieth and twenty first day of that month, by the account of Bowar, which deserves the preference⁵. The earl of

⁵ Monstrelet, II, f. 98, edit. 1518; Bowar, 503. In 1437 lent began on the 17th Feb. In 1438 on the 2d March. Another argument, if necessary, to enforce the learned Ruddiman's reply to Abercromby, who, with his usual ignorance of chronology, dates this event in 1438. The chartulary of Glasgow, Harl. 4631, has "Obitus Jacobi primi Regis Scotorum, vigesimo die Februarii, A. D. Millesimo Quadringentesimo, Trigesimo Sexto." The chronicle at the end of Winton erroneously bears, *fastrens ene*, or shrove-tuesday.

Athole,

Athole, and Sir Robert Stuart, were at the court that evening, ¹⁴³⁷ which was passed before supper, and after to a late hour, in the amusements of the time, in playing at chess and tables, reading romances, singing and music. An Irish or highland woman, pretending to magic, who had long before given the king a hint of the plot, and had only met with laughter, again came to unfold it; but was referred till the morrow, as the king was busy at play. An hour after, James called for the parting cup; and he and the company drank, and withdrew. Sir Robert Stuart, private chamberlain to the king, and his chief favourite, is accused of spoiling the locks of the royal chambers, to prevent their being shut, and even of laying boards across a deep ditch, that environed the garden of the Dominican monastery at Perth, where James was now lodged, in order to enable the conspirators to pass: but these offices seem to belong to meaner associates, and the guilt of Athole and his grandson is doubtful. After midnight, Graham with about three hundred persons, mostly raised in the highlands as may be inferred, entered the garden. The king was now in his bed-chamber, standing before the fire, only dressed in his night-gown, and conversing gayly with the queen and her ladies, when, just as he threw off his night-gown to go to bed, he heard a great noise, as of men in armour, crouding and clashing together, and perceived a blaze of torches. Suspicions of treason instantly arising, the queen and ladies ran to the chamber-door, but could not fasten it, the locks being spoiled: and the king requesting them, if possible, to keep the door shut, attempted to escape by the windows, but found them closely barred with iron. Perceiving no other refuge, he with the fire-tongs and an exertion of strength, tore up a board of the chamber-floor, and letting himself down dropped the board above him. He was now in one of these incom-

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1437 modious necessaries, usual in old edifices; but still could not escape outward, for, by a sad fatality, a square aperture in the place had been filled with stone, only three days before, by the king's command, because the balls were apt to enter it, when he played at tennis. Nevertheless he might here have remained safe, had not his own impatience betrayed him.

Meanwhile the traitors burst open the chamber-door, and several of the ladies were hurt; particularly, as our historians say, Catherine Douglas, who, with a spirit worthy of her name, had her arm broken, by thrusting it into the staple instead of a bar. The ladies shrieking with horror, fled to the furthest corner of the room; but the queen was so extremely agitated that she stood without power of speech, or motion, and a villain basely wounded, and would have slain, her, had not a son of Graham interfered, saying, "What will you do, for shame of yourself, to the queen? She is but a woman. Let us go and seek the king." The queen was then permitted to withdraw; while the ladies remained lost in tears and consternation.

The traitors fought the king in every part of the chamber, and another adjoining, without success. Most of them had gone to extend their search, and a temporary quiet succeeded, when the king most unhappily, after having heard no noise for some time, and thinking that the conspirators were gone, called to the ladies to bring sheets, and draw him up from his uncomfortable concealment. In the attempt Elizabeth Douglas fell down into the place, and Chambers, one of the assassins, entering with a torch, perceived the king and the lady, and called to his fellows, with savage merriment; "Sirs, the bride is found, for whom we have fought, and caroled all night." Upon this, another traitor, Sir John Hall, leaped down with a dagger in his hand; but the king seized him behind,

hind, and threw him under his feet. Hall's brother met with ¹⁴³⁷ the same chance: yet the king in vain tried to wrest a dagger from either, and only wounded his hands, and rendered himself incapable of further defence. Graham himself now entered the king's retreat, who requested his mercy; but Graham exclaimed, "Thou cruel tyrant, thou never hadst mercy upon thy noble kindred, nor others, so expect none." James said, "I beseech thee that, for my soul's salvation, thou wilt let me have a confessor." But Graham retorted, "Thou shalt have no confessor but this sword;" and stabbed the king, who in vain cried for mercy, and offered half his kingdom for his life. The assassin, somewhat relenting, was about to withdraw, when his comrades above desired him to complete their intention, else he should himself encounter death at their hands. Graham, and the two Halls, then accomplished the horrid deed by multiplied wounds.

Thus perished James I in the forty-fourth year of his age, and the thirty-first of his nominal reign, but only the thirteenth of his active authority.

Not satiated with the murder of their monarch, the assassins sought the queen, fearing her revenge; but she had now escaped. The rumour at length reaching the outer court, where the servants were lodged, and thence the town itself, numbers approached with arms and torches, upon which the conspirators hastily withdrew. Sir David Dunbar, arriving alone, attacked them, slew one, and wounded another, but was overpowered and left disabled. Straiton, a page, was slain: and the band made good their retreat to the highlands, only regretting that the queen had been saved, whose vengeance they dreaded. Nor without cause; for, in less than a month, all the chief actors were in jail.

1437 The first taken were Sir Robert Stuart, and Christopher
 Chambers: who were executed with cruel tortures at Edin-
 burgh, and the former's confession of guilt may have been
 forced from his pangs. Athole was taken by Angus, tried
 31 Mar. and condemned; but Easter approaching, the cross, upon
 which his grandson had been tormented, was taken down, as
 unbecoming that solemnity; and he was fastened to a pillar,
 with a paper crown upon his head, thrice inscribed with the
 term Traitor. Antony bishop of Urbino, the papal legate in
 Scotland, heard the confessions of Stuart, and Athole⁶. The
 latter asserted his innocence; but said that his grandson had
 proposed the conspiracy, from which he had dissuaded him,
 and understood that he had succeeded. It might be said that
 Stuart having been forced by torture to confess guilt, Athole
 was of course obliged to accord with his grandson's testimony;

⁶ Eneas Sylvius is substituted for the bishop of Urbino by Hector Boyce, the grandfather of all our historical errors; and the mistake is religiously maintained by all our historians. Eneas Sylvius, afterwards pope Pius II, visited Scotland before the duke of Burgundy left the English party in Aug. 1435. Comment. p. 4. And in the year that Alfonso of Arragon was captured by the Genoese—1435: ib. He returned in the same year to France: and in 1436 another legate was sent, namely Antony de Santo Vito, bishop of Urbino. Ughelli Italia Sacra, (Venice 1717, 10 vols. folio) II, 792. His passport occurs in Rymer, X, 660, and is dated 22 Nov. 1436. Ughelli's account runs thus: "Sexto autem Idus Quintilis proxime insequentis, [1436,] pro restituenda ecclesiastica disciplina, aliisque longe gravissimis componendis rebus, in Scotiam, ad Jacobum regem, cum amplissima decernendi potestate ab eodem pontifice [Eugenio IV] legatus est. Difficillimis Scotiæ rebus inopinato Jacobi regis nece magis magisque perturbatis, ad Anglorum regem, &c. dirigitur." Antony de Santo Vito proceeded to the council of Basil on his return; and was afterwards distinguished by his embassies to Germany, France, and Spain.

In narrating the murder of James I, Jean Chartier, p. 95, says that the perpetrators were chiefly servants of Albany, and other lords slain by James, who was a brave and just prince, and well beloved by his people.

for it is difficult to conceive that Stuart could have been guilty ¹⁴³⁷ of such black ingratitude to his beneficent sovereign, and of such a total sacrifice of common prudence, as to engage in this conspiracy, from which to expect the diadem must have been the infatuation of frenzy. But Graham's art may have practised upon his youth, and weakness, to this degree; and the evidence of his guilt at last rather preponderates. As to Athole, his hoary head might well have been saved: the laws concerning misprision of treason are most severe, calling for a sacrifice of kindred, of friendship, and of human nature: his grandson's scheme he seems to have regarded as too wild for any man of common understanding to attempt; and was he, for what he expected to pass as idle discourse, to proclaim his grandson a madman, or a traitor, and to ruin his posterity? But to leave this discussion, the aged earl was beheaded at Edinburgh; and his head was fixed upon a spear, encircled with a crown of iron.

Graham, and many others of the traitors, were tortured, and put to death, at Stirling. The daring chief of the assassins had the insolence to plead that, having renounced his allegiance under his hand and seal, he had a right to kill the king, as his mortal enemy: nay he addressed his judges, and the spectators, assuring them that they should soon pray for his soul, as one to whom they were indebted for their deliverance from a tyrant. Nor was his courage less than his dark fanaticism of vengeance, as appeared from the spirit with which he bore his horrid torments. Some of the associates asserted that they knew not even the nature of the conspiracy, but had been prevailed on to join the party, upon pretence that the intention was only to carry off a young lady of the court, whom Sir Robert Stuart was to marry: a circumstance apparently alluded to in the expressions of Chambers abovementioned.

The

1437 The son of Graham, Thomas Hall, and Chambers, are particularly mentioned among the victims; and the latter would express no repentance for the king's death. This full and minute relation is given, not only as presenting all the circumstances of an important event, but as it serves to correct some mistakes of former writers.

James left only one son, his successor; but his female issue consisted of not less than five daughters; Margaret married to the Dauphin; Isabel to Francis duke of Bretagne; Eleanor to Sigismund archduke of Austria; Mary to the count de Boucquan, son of the lord of Campvere; Jean to the earl of Angus, and afterwards to the earl of Morton⁷.

⁷ Crawford Stuarts, 36. Stewarts Gen. 65. The marriage of Margaret is above narrated. For Isabel, (and her portrait,) see Lobineau Hist. de Bretagne, I, 621. For Eleonora, De Roo Ann. Aust. 399.

Mary's destiny was more obscure; but from Coucy, p. 574, she appears to have been wedded before 1449; and her husband was only a *seigneur*. Olivier de la Marche, the contemporary Burgundian, in his curious memoirs gives some notices concerning her. He says "Le seigneur de la Vere, un mout puissant et notable chevalier Zelandois, du nom et des armes de Bourselle, et qui, par sa grande conduite et renommée par la mer, avoit eu la fille du Roy d'Escoce, sœur germaine de Madame la Dauphine, dont cy-dessus est faicte mention; et l'avoit mariée a son fils le Comte de Boucquam." p. 263, 264. And p. 332, ed. Gand, 1566, 4to, he mentions that the countess of Boucquan (*sic*) daughter of Scotland was delivered of a son at Vere in Zealand, and the count of Charolois, son of Burgundy, went to Vere on the occasion. A. D. 1451. Jean is known in Scottish peerages. See the years 1453, 1457. It is suspected that the princess Jean, wedded to Huntley about 1470, was a daughter of James II; perhaps of the queen of James I, by her second marriage. Yet a genealogy of 1484, ms. Harl. 712, thus arranges the daughters: 1. Dauphiness. 2. Duchesses of Bretagne. 3. Johanna to Huntley. 4. Eleonora, Austria. 5. Maria *domina* Kamfer. 6. Annabella to Morton.

BOOK V.

A RETROSPECT OF THE STATE OF SCOTLAND, DURING THE REIGNS OF ROBERT II, AND III, AND JAMES I.

Sect. 1. State of the people, and of civilization—2. Government, laws, tactics—3. Agriculture, useful arts—4. Commerce, money, navigation—5. Ecclesiastic history, literature, language—6. Ornamental arts, manners, dress.

SECTION I.

State of the people, and of civilization.

WHETHER education, climate, or government, produce most effect on national character, is an important problem, discussed by many able writers, but hitherto not sufficiently resolved. It must however be granted by all, that each has its share in exciting or depressing mental energy, in establishing general industry or indolence, in promoting public happiness or misery. But of these grand causes education seems deservedly to claim the preeminence. To deny the power of climate, would be to forget that man is "subject to the skyey influences;" yet his industry, or care, may generally

1371—rally overcome or elude its effects: and foil is almost equally
 1437 subservient to labour. Government exerts a more pervading
 influence; even the peasant in his cottage is oppressed by the
 burning heat of despotism, or the blasting storms of anarchy.
 The rewards of his labour cease amid the general distress: the
 caprice of some little tyrant, for slaves are ever tyrants where
 they can, or the revenge of a foe, may assail his hovel; and
 while his family perishes in penury, the labourer joins the
 mountain robbers, and falls the victim of those laws which
 afforded him no protection. Even moderate governments
 affect domestic life, and individuals, more than is commonly
 conceived; a war, a tax, an unwise law, becomes an universal
 misfortune; while the benignity, and skill, of the rulers en-
 large the happiness of all. The influence, like that of the
 electric element, is rarely unveiled to the popular eye, though
 the subtle fluid operate most widely on the public health.

In the oriental legislations the connexion between laws and
 manners is often indissoluble: and the laws become perpetual,
 by being grafted on the habits of that creature of habit, man.
 In Europe, on the contrary, the laws and manners are pro-
 verbially distinct. Jurisdiction punishes crimes, but rewards
 not virtues; far less can it improve domestic morals, or dif-
 fuse the light of instruction over a benighted nation. These
 are the sacred provinces of education, a cause of national cha-
 racter more prevalent than either of the former, as it strikes
 the very root of offence, and sows lasting seeds of intelligence
 and worth.

But education, on the extensive scale here implied, remains
 an experiment even to the most civilized nations; and its
 effects must neither be regarded as speedy, nor infinite. Even
 infants display, some a perverse, others a placid disposition:
 and it is doubtful whether any care or art can eradicate, or
 subdue,

subdue, the inborn temper. If the bad habits of an individual 1371—
 prove often unconquerable by reason or virtue, how deeply 1437
 must such habits be rooted in a whole people, where example
 operates like a contagion?

Hence it is, that the spirit, and manners, of the people ought to present the main object of political discussion on any particular state, and the more especially where government and education have little force. In whatever form of administration, only a part can shine upon the public theatre, and thus attract the notice of history. The mass of the nation remains in obscurity, even in enlightened ages; and philosophy can only estimate its history by that of its manners, for which the best materials are to be found, not in the pages of the annalist, but in poems, novels, and romances. Barren however as are the annals of the poor, their state may always be justly estimated by that of the actors, who vaunt and vanish in the historic scene; and from the progress of nations, as savage, barbarous, or civilized. The monkish page presents but a small pulse, yet from it the health, or sickness, of the whole body may be gathered with considerable certainty.

In Scotland, at the period now under review, the people were slowly advancing from barbarism towards civilization. A peace of some duration had taken place before the accession of the house of Stuart; and the consequent intercourse with England, a country then rapidly progressive in the arts of life, must have increased the national energy. Yet the feudal fetters continued to be firmly rivetted: every man was the soldier, or the menial attendant of his chief; and flocks, herds, agriculture afforded only subservient occupations. While the single science of the great was war, their sole amusement hunting, their chief magnificence a numerous train, it is no wonder that the poor were ferocious and idle, secure during health of a main-
 tenance

1371—tenance from their lords, and in sickness of monastic charity.

1437 } Courage, honesty, frankness, attachment to their chiefs, constituted the chief virtues of the peasantry; temperance, and sobriety were the virtues of the soil: spirituous liquors, that bane of the poor, were as yet unknown in Europe, except among the stores of the physician. Nor had religious fanaticism, that unintermitting intoxication, yet poisoned the popular mind with habitual gloom: the poor chiefly knew the christian religion from its charity, from the public exhortations of the preaching friars, and from the gay exhibitions of the Roman catholic system.

By more polished foreigners Scotland continued to be regarded as a country completely barbarous. The author of the *Dittamundi* allows that it is rich in fish, flesh, and milk, but,

Molto e el paese alpestro é peregrino,

E ha la gente ruvida é salvatica.

“Mountainous and strange is the country,

And the people rough and savage.”

The long and severe ordinances of Robert II against murderers, and their receivers and supporters, afford a proof that this charge was not unfounded*. And the orders to the army, not to pillage their own countrymen, present another instance

* Edit. 1501, 4to, lib. IV, c. 26. It is added that Scotland is improved,

Per bonta de Adoardo che hora e vivo,

Che glia frustati piu su che la narica.

“By the goodness of Edward now living, who has chastised it much, or wandered much over it,” for the expression seems provincial and obscure. Edward III of England is implied, who died in 1377. The *Dittamundi* of Ubertus de Faciis is a description of the world, in the form of a commentary on Solinus, who is introduced in dialogue, as Virgil in Dante.

^a Stat. Rob. II, apud Skene.

of barbaric manners³. The *Ketherani*, Kerns, or marauding 1371—
 highlanders, by continual inroads into the low countries greatly 1437
 obstructed the progress of industry and civilization; and this
 intestine evil, more pernicious than foreign invasion, continued
 to a late period. Strangers to that industry which excites the
 Swiss peasant to cultivate the precipice, and the Norwegian to
 derive that support from the sea which the land refuses, the
 highlanders supplied their wants by rapine: and the civil ani-
 mosity was increased by the difference of origin, language, and
 manners; so that the difficulties with which the government
 had to struggle, and the obstacles against order, were perhaps
 greater in Scotland than in any other European kingdom.
 The example of Henry II of England, who planted a Flemish
 colony in Wales, escaped the observation, or exceeded the
 power, of our monarchs: and the complete transposition of
 the population of a province, though an expedient far from
 unknown to the Persians, Greeks, and Romans, appears to
 surpass the wisdom, or the enterprize of any later government.

Though the peasantry were in fact the slaves of their lords,
 by menial or by feudal bondage, yet few instances occur of
 absolute villanage; and it is believed no example appears in our
 records, of an estate sold with the farmers, labourers, and
 families, attached to the soil⁴. The appellation *husbond*,
 given to the Scottish farmers, seems indeed to imply that they
 were considered as bond slaves of their lord's house, or as fixed

³ Reg. 4to, f. v. 72.

⁴ Nisbet in his *Heraldry*, Vol. I, p. 131, gives an extract of a charter of Robert I, regni 14, from the chartulary of Dunfermlin, declaring Adam Adamson and his four sons free: "declaratum est quod Adamus filius Adami non est homo noster ligius, seu natus, quin pro voluntate sua;" and he and sons were delivered "ab omni iugo et onere servitutis;" executed "coram iusticiario nostro."

1371—to their own particular farm-houses; yet what little evidence
 1437 remains teaches us to consider them rather as slaves in custom,
 than in law. The *husband lands*, or farms, were divided into tillage and pasturage, were always small, and the farmers of course poor⁵. The cotter who rears his hovel of turf and straw, under an old thorn, and cultivates three or four acres of the common, would in these ages have been styled a farmer. Large farms undoubtedly advance agriculture; and perhaps the numerous labourers employed are as useful and valuable members of society, as if each farmed a small portion of land.

With the accession of the house of Stuart, a stronger light begins to arise on the internal state of Scotland. Barbour wrote his celebrated poem in 1375; and in narrating the actions of Robert I, he presents many pictures of the times and manners, the lapse of half a century being imperceptible in the slow progress of civilization. But the curiosity of Froissart a stranger has preserved the strongest features; and his visit to Scotland forms an epoch in the history of national manners⁶. From his account it appears that the French, themselves regarded by the Italians as barbarians, shuddered at the penury and barbarity of Scotland. Even in the *Doulce Escoche* or low lands, (for the highlanders of *la Sauvage Escoche* were considered as we now do American savages,) a re-

⁵ Skene de sign. verb. voce *Husband-land*, originally about six acres.

⁶ Froissart was in England in 1391, Tome IV, fol. 14. He was at Dalkeith in his youth, about the year 1360, T. III, f. 117: and no other visit of his to Scotland is known. It is not therefore wonderful that, when he wrote his history in 1400, his memory made some slips, particularly the strange one concerning the house of Douglas, which misled lord Hailes, Remarks, p. 121. Froissart confounds the earls of Douglas with the Douglasses lords of Dalkeith; nay he assigns to that name the arms of the earls of Moray, “d’or a trois oreilles de gueulles!” His more recent information was derived from the French knights who visited Scotland.

markable ignorance prevailed of the commonest arts of life. 1371—
 The meanest articles of manufacture, horse-shoes, harness, ¹⁴³⁷
 saddles, bridles, were all imported ready made from Flanders.
 The houses of the common people were composed of four or
 five posts to support the turf walls, and a roof of boughs: three
 days sufficed to erect the humble mansion⁷. A contemporary
 historian adds, that “the country was rather desert than inha-
 bited, was almost wholly mountainous, and more abundant in
 savages than in cattle⁸.”

The English education of James I contributed to the civi-
 lization of his kingdom. Yet even in his reign the picture by
 Enea Silvio, afterwards pope Pius II, is far from flattering.
 “Concerning Scotland he found these things worthy of repe-
 tition. It is an *island joined* to England, stretching two hun-
 dred miles to the north, and about fifty broad; a cold country,
 fertile of few sorts of grain, and generally void of trees, but
 there is a sulphureous stone dug up which is used for firing.
 The towns are unwalled, the houses commonly built without
 lime, and in villages roofed with turf, while a cow’s hide sup-
 plies the place of a door. The commonalty are poor and
 uneducated, have abundance of flesh and fish, but eat bread
 as a dainty. The men are small in stature, but bold; the
 women fair and comely, and prone to the pleasures of love;
 kisses being there esteemed of less consequence than pressing
 the hand is in Italy. The wine is all imported; the horses
 are mostly small ambling nags, only a few being preserved
 entire for propagation, and neither curry-combs nor reins are
 used. The oysters are larger than in England. From Scot-
 land are imported into Flanders hides, wool, salt fish, and

⁷ Froissart, Tome II, f. 170, edit. 1518, 4to.

⁸ Hist. de Charles VI, par Le Laboureur, Tome I, p. 102, “plus pleine
 de sauvagine que de bestail.”

1371—pearls. Nothing gives the Scots more pleasure than to hear
 1437 the English dispraised. The country is divided into two parts,
 the cultivated lowlands, and the region where agriculture is
 not used. The wild Scots have a different language, and some-
 times eat the bark of trees. There are no wolves. Crows
 are new inhabitants, and therefore the tree in which they
 build becomes royal property². At the winter solstice, when
 the author was there, the day did not exceed four hours¹.
 In another place, Silvio observes that the fabulous tale of the
 barnacles, the invention of dreaming monks, had passed from
 Scotland to the Orkneys: and that coals were given to the
 poor at the church doors, by way of alms, the country being
 denuded of wood³.

The vigorous administration of James I imparted tranquil-
 lity and happiness to the people; and was often regretted by
 them during the distractions of the subsequent reigns³. Till
 this period the statutes were concealed from the nation in the
 darkness of the latin language; the good sense of this monarch
 ordered them to be issued in the Scottish tongue, while in
 England the laws were to be dictated in Latin and French till
 the reign of Richard III. Thus religion, and law, the sole

² One of those mistakes frequent in cursory travels. By c. 19, parl. 1 J. I, trees in which rooks are suffered to build are forfeited to the king. Hence the error.

¹ Pii II Comment. rerum mem. sui temporis, Francfurt 1614, folio, p. 4: a production not in the collections of his works. The author adds a *naïf* account of his adventures in the north of England on his return. He went disguised as a merchant, and on passing the Tweed could get neither wine nor bread: an alarm was spread in the night that the Scottish borderers were approaching, and the men fled, but the women refused; “*nihil enim his mali facturos hostes credunt, qui stuprum inter mala non ducunt.*”

² Descript. Asiæ et Europæ, Paris 1534, 8vo, p. 416.

³ See Bowar, 510.

rules of popular conduct, were veiled from the people; but 1371—
there is no absurdity which man has not reduced to practice. 1437

The statutes of James are wisely ordained to advance civilization, and the sanguine theorist may exult in their effects; but they rather proclaim the intelligence of the monarch, and of his ecclesiastic ministers, than the national advancement. Ordinances prepared in the cabinet by wise and good men, were passed by the lords of the articles; while the peers and landholders, with whom the jurisdiction lay, either did not attend, or voted with a smile. And the frequent repetition of the same laws, even so late as the reigns of James IV and V, conspires with the records of history to convince us, that the statutes rather indicate the evils that did exist, than the remedy of these evils. The roots of national habits are too deep to be affected by the thunder of laws, the slow diffusion of education can alone explode them.

Among the statutes of the first James, the following are the most pertinent to the present discussion. That no private wars be allowed; that none travel with more attendants than they maintain; that no *sornars* shall force their residence upon the clergy or farmers; that in burghs, and on high ways, inns be erected; and that no beggars be permitted, except distinguished by a badge importing the leave of the magistrates: and the hospitals for the poor and sick are ordered to be reformed. A remarkable law ordains, that all idle persons, without means of livelihood, shall be imprisoned, till they give security, and shall within forty days betake themselves to some service or craft. The trial of the causes of the poor is declared to be gratuitous*.

The institution of inns, repeatedly enforced, was perhaps calculated to save the monasteries from the frequent intrusion.

* Acts, f. 1, 2, 5, 7, 8.

1371—of numerous guests; but the necessity of such laws indicates
 1437 a radical defect in civilization. The first object of the Romans,
 after the conquest of a barbaric country, was to open high ways
 through it; for on mutual and easy intercourse all civilization
 depends. Yet this first and indispensable step is unknown in
 our statutes. Some regulations appear concerning ferries; but
 till within these fifty years the roads in Scotland were hardly
 passable. And while the Swiss cuts his way through the Alps,
 our mole hills in the highlands present insuperable barriers.
 The civilization of a country is always in exact proportion to
 the number, and condition, of its high ways. The omission
 of this one law was radical, and obstructed all the others⁵.

In the burghs a greater degree of civilization must have
 prevailed than in the country; but the inhabitants of the burghs
 were few, compared with the general population. Froissart
 estimates the houses in Edinburgh, then the capital, at four
 thousand⁶; they were small wooden cottages, covered with
 straw; for modern Edinburgh, with its houses of ten or twelve
 stories, cannot date higher than Mary's reign, when all the
 French customs of Scotland really commenced. By a com-
 mon calculation the inhabitants of the capital, in the reign of
 Robert II, hardly exceeded sixteen thousand.

For some unknown cause, James I prohibited the election
 of deacons of crafts; perhaps they abused their power in ex-
 citing sedition; perhaps the genuine spirit of a corporation
 began to operate in monopoly, and oppression. But a warden
 and council are ordered to regulate prices, the warden to be
 chosen by the council of the burgh, and not, as the deacons,
 by the craftsmen themselves. Masons, carpenters, smiths,

⁵ The first Scottish statute concerning highways, is of the reign of Charles II,
 1661, cap. 38.

⁶ Tome II, f. v. 169.

taylors,

taylors, weavers, are the only trades mentioned in the statute⁷. 1371—
 The institution of corporations by patent seems unknown in ¹⁴³⁷
 Scotland, till the reign of James IV: the crafts embodied and
 regulated themselves; and the attention of government was
 hardly diverted to them, except to prevent imposition. They
 would have charged for holidays, and undertaken more work
 than they could accomplish, while one craftsman would refuse
 the work neglected by another⁸. The sole intention of these
 acts seems to have been to break the monopoly⁹.

James I has himself delineated the manners of the common
 people, in his poem called *Peblis to the Play*. This *play* was
 probably an annual festival, in honour of the saint to whom
 the church was dedicated, or on some other occasion; and such
wakes are yet known in the north of England. The humour
 and jollity of the meeting end in tumult and uproar, but dis-
 play a very different character to the gloomy fanaticism of the
 two succeeding centuries. From this singular poem, among
 other articles of manners, we learn that the women wore
 kerchiefs and hoods, and tippetts; the music arose from the
 bagpipe; the men sometimes wore hats of birch-twigs inter-
 woven, the hat being any high covering of the head, while the
 bonnet was flat. A tavern, with fair table linen, and a regular
 score on the wall, are introduced: the reckoning twopence
 halfpenny a piece, is collected in a wooden trencher. The
cadger, or packman who carries fish, &c. through the country,
 on his little horse; the salmon dance, consisting in exertions

⁷ Acts, f. 14, 18.

⁸ Ib. 14. *Confrairies* first appear in France about 1264. Le Grand, I, 260.

⁹ To these hints concerning burghs it may be added that harlots are ordered
 to dwell in the skirts of the towns, to prevent hazard from fire, concerning
 which regulations are enacted. Ib. f. v. 12.

1371—of high leaping; and other anecdotes of popular manners,
 1437 diversify the piece'.

The dress of the common people consisted chiefly of a doublet and cloke, and a kind of short trowse; the head was covered with a hat of basket-work, or felt, or with a woollen bonnet; while the legs and feet remained bare*. Shirts were hardly known even to the great. The female dress was a kerchief or a hood, and a tippet about the neck: the kirtle, or close gown, was rarely accompanied either with the *wylicot* or under petticoat, or with the mantle; and the feet were naked.

As the state of society was rather pastoral than agricultural, milk, and its various preparations, formed a chief article of food. Meat boiled with oatmeal, or fish, supplied more solemn meals. Bread and vegetables were little used, a circumstance to which it may perhaps be imputed that the leprosy was not uncommon. The chief fish was the salmon, concerning the capture of which many regulations occur in the acts of parliament, and which also formed a grand article in the Scottish exports.

SECTION II.

Government, laws, tactics.

THE government, and laws, of a country are so intimately connected with its history, when composed in a proper manner, and with philosophic views, that little remains to be added on

* Select Scottish Ballads, Vol. II, p. 1.

* A practice prevalent among the common people of England at this period. Even the feet of many of the English archers were bare in battle. St. Remy, p. 89.

these

these important topics, except to glean a few remarks, and present some general observations. 1371—
1437

The policy concerning the highlands formed a chief object in the Scottish government. David II had excited the chieftains to destroy each other, by bestowing the estate of the slaughtered leader on his assassin, and by the reign of terror had established tranquillity³. This cruel policy was abandoned by the house of Stuart. Robert II assigned the highlands to the care of his son the earl of Carric, and other peers; who were empowered to call the chiefs before them, and concert means of justice⁴. But this plan erred in the other extreme of mildness: and James I, after having been obliged to exempt the highlanders from the law of retribution, because, as the statute bears, they had been accustomed to rob and kill each other⁵, was at length constrained, as we have seen, to have recourse to severity.

The reign of this prince revived the long dormant power of the laws, and the boldest of the peers dared not to oppose his mandates or messengers. "The people," adds the old historiographer, "then sat in the opulence of peace, secure from ravagers, elate in heart, and tranquil in mind; because the monarch had wisely expelled quarrels and rapine from the state, had appeased discord, and reconciled enmity⁶." But the regal jurisdiction, though much confined by the feudal system, was carried by James I to a height that proved fatal to himself.

It is unnecessary to dwell on the feudal government, so ably discussed by numerous authors. A singular feature of it in Scotland was the freedom from taxes; and that at a period

³ Fordun, II, 380.

⁴ Register, f. v. 72.

⁵ Acts, f. 8.

⁶ Bowar, 510.

1371—when France was overwhelmed with them, and the blood of
 1437 the poor, as usual, was mingled with the wine of the rich⁷.

Another remarkable distinction from modern times was, that the royal authority was weakened in war, and increased in peace. The soldiers belonged to their chiefs, and not to the sovereign: but the execution of the laws was a prerogative of the latter.

An idea of the royal revenue may be formed from the marriage contracts of our princes, the dower of the wife being estimated at one third of the whole. Robert II, and III, were married before the accession of the family: and the avaricious conduct of the English court, in the marriage of James I, rendered any contract to this effect unnecessary. But that of James II and Mary of Gelder is extant; and though the evidence be somewhat excursive it is sufficiently in point⁸. The dower assigned is 10,000 crowns of gold; and these crowns, in a contemporary statute, are estimated at six shillings and eight pence each, Scottish money⁹. Hence 10,000 gold crowns equalled 5000 marks Scottish money, and the royal revenue was 15,000 marks Scottish, or about 7,500 marks sterling of that time; in weight about 14,000 pounds of silver, in efficacy about seventy thousand pounds of modern currency. But the rapacity of statesmen and favorites, and other causes which did not affect the estates of the aristocracy, considerably dilapidated the revenue of the crown, and rendered it subject to such variations that fifty thousand pounds may most safely be assumed as a medium. Perhaps the earls of Douglas possessed a revenue equal to two thirds of the royal; which however certainly more than doubled that of any other peer¹.

The

⁷ In 1385 the taxes were so numerous in France that many emigrated. Des Ursins, p. 46.

⁸ Ms. Harl. 4637, Vol. III, f. v. 6.

⁹ Acts of 1451.

¹ In the estimate of the revenues of the hostages for James I, (Rymer, X, 327, 333,) the highest are those of Argyle and Dalkeith, 1500 marks sterling each.

The revenue of the crown arose chiefly from its demesnes, 1371—
 from the various feudal casualties, ward, relief, marriage, ¹⁴³⁷
 escheat, forfeiture; from vacant bishoprics, fines, presents
 for grants; and from customs on merchandize. Its preroga-
 tives appear to have been, 1. to summon the parliament, and
 propose laws, which seldom or never failed to pass: 2. the
 administration of justice: 3. creation of honours and dignities:
 4. command of the national array: 5. nomination to eccle-
 siastic preferments. As the first of these prerogatives en-
 croached on the legislative power; so, on the other hand, the
 parliament regulated embassies and treaties, and ordered peace
 or war². The coinage of money belonged to the crown; but
 any alteration was regarded as unconstitutional, if not sanc-
 tioned by parliament.

Hence it appears that the revenues and power of the Scottish
 monarchs were in themselves sufficiently respectable; but the
 age of Robert II, the weakness of his successor, the disorders
 of the regencies, and above all the extreme avarice of the
 aristocracy, ever preying on the royal domains and revenue,
 were causes that greatly injured both the wealth and influence
 of the crown.

In passing to the national council, or parliament, the most
 striking object is the number of ecclesiastics, which exceeded
 each. But that of Douglas must have been far larger. The 1500 marks might
 now equal 15,000 *l*.

It must not be forgotten that the royal expences were almost wholly domestic,
 there being neither civil nor military list, the officers of state and administrators
 of law being only paid by perquisites; and even embassies were defrayed by the
 members of parliament, or by the merchants. The revenue of Henry V of
 England was 55,714 *l*. 10 *s*. (Rymer, X, 113,) or about 550,000 modern pounds.

² This important fact is evinced from many documents in this work. See
 particularly the reign of James V.

that

1371— that of the peers³. But till the days of Forman, and the Be-
 1437 tons, priestly ambition seems to have been little known in
 Scotland; and the statutes generally evince great wisdom and
 patriotism in the legislative body. The members unhappily
 did not assemble in two chambers as in England; the burgeses
 were annihilated in presence of the powerful aristocracy, who
 themselves only skilled in arms left legislative discussion to the
 clergy. An opposition was scarce ever known in the Scottish
 parliament, because its operations were previously settled by
 the well-known committees of lords of the articles, and ap-
 proved by the king, so that in fact the statutes were presented
 for its sanction, not its discussion. Nay there is room to believe
 that an opposition in parliament was viewed in as treasonable
 a light as opposition in the field; and that the minority only
 testified its dissatisfaction by its nonappearance.

The administration of the laws was the chief difficulty; and
 the king and parliament often recommended this great object
 to the peers in their respective territories. During a minority
 the parliament alone had the power of nominating a regent and
 council⁴. At what precise period the king's privy council
 succeeded the *Aula Regis*, or council of great officers of state
 is dubious. It was much on the same model, being composed
 of the chancellor, chamberlain, treasurer, privy seal, secretary,
 and a few other members. Its power during a minority was

³ In the parliament at Cambuskenneth, 1314, the number of abbots already
 amounted to 14, Scone, Kelso, Arbroth, Holyrood, Lindoris, Newbottel,
 Cupar, Paisley, Dunfermlin, Lincluden, Inchaffray, St. Colm, Deer, Sweet-
 heart. The priors 5, Coldingham, Restenoth, St. Andrews, Pittenweem, Loch-
 leven. Add the bishops 13, and the sum is thirty-two.

⁴ See the reign of James V when the parliament declare that, by the king's
 demise, the power had *devolved to the three estates* who had appointed Albany
 regent. Yet the will of the deceased monarch was commonly respected; and
 the queens of James I, II, and IV, were acknowledged as regents for a time.

great,

great, but at other times entirely under the controul of the 1371—
 fovereign, and hardly known in history. Far superior was the 1437
 fate of the privy council in Denmark and Sweden, where the
 members usurped the chief power; and under the name of
senates controuled the monarchs. The want of titular nobility
 in these countries was a radical cause of this singularity, for
 the prelates having no balance to their ascendancy, and most
 of them being senators in virtue of their sees, the landholders,
 burgeses, and peasants, could not struggle against so powerful
 an aristocracy. In Scotland, on the contrary, the bishops and
 the church were a public benefit, as they balanced the power
 of the ferocious nobles, and supported the monarch and the
 laws. All institutions depend on time and circumstances; and
 the bane of one country may be the felicity of another.

Had our kings possessed the nomination of the administrators
 of justice, the aristocratic influence would have been conside-
 rably checked. But most of the legal officers enjoyed heredi-
 tary and indefeasible right. Such were the sheriffs, though
 esteemed the king's peculiar officers; nay the peers were some-
 times hereditary sheriffs in their own jurisdictions.

Even in burghs, the aldermen and baillies were more fre-
 quently devoted to some neighbouring chief, than to the king.

Of the *Mair* and *Serjands* little is known. An act of
 James I seems to evince that the office of Mair and King's
 Serjand was synonymous; and it shews that the barons had
 also their serjands. The Mair was distinguished by a red
 wand; the officer of regality by a similar badge, red at one
 end and white at the other; while the baron serjand had
 a white wand, and he of the burgh a red. All bore horns to
 found occasionally^s. The terms Mair and Serjand have varied
 more

^s Acts, f. 17. Another statute, f. v. 19, mentions Mairs of fee, or heredi-
 tary, of the sheriffdom, or of part; and authorises them to have deputies, to
 execute

1371—more in signification than perhaps any others; even now a
 1437 } serjeant at law is a very remote office from a serjeant in the
 army; and a *Maire* of Paris from a Scottish Mair. In its primitive meaning the term Mair is, in various countries, of high dignity, but had now been degraded in Scotland from the magistrate to the messenger. The Mair and Serjeants were the heralds of the law; but their office was in those times arduous, and honourable, and worthy of the attention of the legislature. Even these offices were often hereditary; and Skene mentions that in his time there were “Mairs of fee⁶.”

The legal jurisdiction of the crown chiefly appeared in the *Brief*, or short writ, issued from the chancery. These brieves were of two kinds, one directed to the sheriff, or the Mair or serjeant messengers of the law, ordering the party to be cited; the other empowering the judge to try the cause⁷.

The royal power, though eminent in times of peace, and uncircumscribed by any senate, was nevertheless balanced by that of the aristocracy; which during war, or minorities, even assumed the ascendancy⁸. The baron was in fact a king in his

execute arrests and summonses. It is suspected that the *Murmor* of the eleventh century, (Enq. into Sc. hist. II, 319,) was the *Mor* MAR or great Mair of a province, a term synonymous to the ancient Earl. In the glossary of Ducange the word Mair or Major implies in numerous instances great authority. The office of Coroner seems to have been confined to criminal cases, that of Mair to civil. In the isle of Man there were *Moares* for every *sheading*, or district of three parishes: (Order of the Tinwald 1422, in Townley's Journal, Whitehaven 1791, II, 231, 232.) By one of those singular changes which occur in society, the sheriff remains a most honourable office; and the Mair, formerly almost his equal, has dwindled into the bailiff.

⁶ De verb. sign. voce *Marus*.

⁷ Home Hist. Law Tracts p. 288.

⁸ Coronation oaths are solemn trifles, and they appear unknown to our old annals. According to Nisbet, Her. II, 154, the clergy, peers, and commons, in

his own jurisdiction; and the operation of the laws was directed ^{1371—} by his loyalty, or his dissatisfaction. The former was hardly ¹⁴³⁷ to be secured, except by a munificence which weakened the royal revenue, and power: this avaricious spirit of the nobility was increased by the accession of the house of Stuart, and the peculiar circumstances which accompanied that event. A family, formerly their equal, ascended the throne; there was no regal ancestry, no foreign splendor, to command awe and obedience: and a dubious loyalty was only to be won by concessions, or promises, fatal to the constitutional ascendancy of the crown. Age, weakness, regencies, conspired to increase the wealth and preponderance of the aristocracy; and when James I regained his sceptre; many an effort was required in order to replace its chief gems.

The few peers, their number hardly exceeding twenty, continued to be chiefly denominated from the counties into which Scotland was then divided². The military force of the in order, asked the new sovereign if he were willing to accept the crown; which being put on his head; a bishop cried God bless the king; another answered God bless the people, and the king; and again, God bless the king, and the people.

² The chief deviations were, that there never was an earl of *Mearns*, but Crawford supplied the place. *Levenax*, or the banks of the Leven, (now *Lennox*) gave a title corresponding to Dumbartonshire. Yet so strong was the original idea that Bowar, 541, confounds the counties with the earldoms. Strathern was a county Palatine, earls David and Walter Stuart, Euphemia the countess, and John Stuart, 1407, (Du Tillet 117,) all appear as Palatines. The title of *Thane* seems to have been introduced after the time of Malcom III, and existed long in Scotland. Robert II grants the thanedom of Kintore to the earl of Moray, "reserving the office of the free tenants." *Scott. Cal. Harl.* 4609, p. 97. James I grants a charter to Donald thane of Caldor, *Id.* No. 4620. The same ms. records a charter to John Meyners of the office of "*Cochachderatie* of Kyncollonie; and lands of Ferrochie and Coulentyne, lyland in the *abthanrie* of Dul." Yet the difference between a thane and baron is unknown; and some doubts arise that ignorance may have blended the Saxon Thane and the Irish *Tanist*.

1371—shire, and the greater part of its civil jurisdiction, were in the
 1437 hands of these potentates; and the inferior barons were attached to them by tenure, by clan, by interest and expectation, or by bonds of manrent.

The progress of government, legislation, and the useful arts and sciences, ought to occupy most attention in history; but these pacific objects yield to wars and revolutions. War unhappily forms the grand basis of the annals of man; and one battle often produces the happiness or misery of many millions, for many centuries. Hence the ancient classical historians are ample in describing the tactics of various nations; while modern writers seem to vie with those of the middle ages in their negligence of this important theme, which, from its infinite consequences, deserves to be arranged in the same class with the government and laws of a country.

It is well known that the chief weapon of the Scots was the spear, often ineffectual against the English long-bow, because it was not accompanied, as in the Macedonian phalanx, with strong defensive armour. The buckler in particular seems to have been small and weak, being only of wicker work covered with leather; the *sallad* or iron cap, and the *doublet of fence*, must have afforded little protection against the English arrows, which like the Parthian even pierced the mail of the knight. Other offensive weapons were the *brogged staff* or pike, the axe, the sword, the knife or dagger'. Such were the arms of the common people: but the chiefs, knights, and squires, were arrayed in plate-armour which had now succeeded the *habergeon*, or coat of small inwoven rings; and they wielded the battle-axe, the two handed sword, the iron mace, or the spear. Persons worth ten pounds of yearly rent, or fifty

Winton ms. 842, 868. Acts, f. v. 8, f. 21.

pounds in goods, were ordered to have a *hat* or helmet, and gorget; a pefan braced before and behind, with plates to cover the front of the thighs and legs, and gauntlets. The yeomen worth twenty pounds in effects, were to have the habergeon, iron hat, bow, quiver, sword, buckler, knife; and, if not archers, an axe, or a pike. The burges worth fifty pounds in goods, was to arm completely as a gentleman; while he who possessed not above twenty, appeared in the array of the yeoman².

James I was particularly anxious to establish the use of the bow, and ordered frequent assemblies near the parish churches for the exercise of archery: but after his death the national habits prevailed, and among a hundred attendants of a baron, hardly six archers could be found, the remainder resuming their spears³. It appears that armour, nay spears, and bows, and arrows, were chiefly imported⁴. The martial music, as is well known, consisted of horns. Some chosen followers were arrayed in the livery of their chiefs; but the rest of the army presented a motley mixture⁵.

The discipline, and exercise, were trivial; the arrangement was by clans. On the march almost every man rode a small horse, to save fatigue; but none, except the knights or fixed cavalry, remained on horseback in a battle. Each man carried

² Acts, f. 21.

³ Bowar, 488.

⁴ Acts, f. v. 8: in particular the heads of arrows and of spears seem to have been entirely imported from Flanders.

⁵ Froissart loses all temper in speaking of Scotland, and the Scots, on account of the treatment of Vienne and his petulant knights. The admiral, says he, told the French king, that he would rather be earl of Savoy, or Artois, than king of Scotland; the force of which consisted of about 500 lances (3000 men at arms,) and 30,000 commoners, of no avail against English archers, or 1000 men at arms, fol. 183, T. II. The common arms he describes as *voulges* (hunting spears), *dagues* or knives, and *bastons d'armes*.

1371—provisions for forty days, chiefly oat-meal; but meat was supplied by pillage. The right wing became the van, the left the rear, while the center retained its station.

The exact order of battle, the arrangement of the ranks and files, are subjects enveloped in much obscurity; and while, with all the lights of the Roman classics, it remains doubtful whether that great people arranged their *Haftati*, *Principes*, and *Triarii*, in single lines, or in deep files, there is less room to wonder at the carelessness of the monkish historians. Yet it appears sufficiently clear that deep files were used, and that the *battels* or battalions were almost square; though sometimes they fought in an *eschelle* or circle; sometimes perhaps in the gothic wedge⁶. Thin files of two or three seem a modern invention, long posterior to the use of cannon and fire arms. But the utility of the deep masses formerly used is not easily discovered; not above three spears could come into contact, and the rest seems an idle depth, exposed to the arrows of the enemy. This theme must be submitted to military men; and it is doubtful if the materials be sufficient for precise investigation.

The most eminent or skilful peers who were present commanded the grand divisions, commonly four, the right and left wings, the center and reserve. Under them the smaller barons acted as inferior officers, in feudal gradation, and often by hereditary right.

In sieges cannon now began to be used, instead of the sows, battering rams, and other engines, the reliques of Roman skill. But no memorable siege happening after the accession

⁶ The *eschelle* was by the Scots termed a *shiltrum*. The host was sometimes divided into three or four of these *shiltrums* of the heavy armed and spearmen, amid which the archers and light infantry were sheltered, as by fortresses. See Holinshed's description of the battle of Falkirk.

of the house of Stuart, and the Scots having been singularly 1371—
deficient in this art, it is unnecessary to illustrate the topic. 1437

These remarks shall be closed with an abstract of the agreement, in the beginning of June 1385, between the earl of Carric and other peers, and Jehan de Vienne the leader of the French forces in Scotland. It bears that they shall march towards the borders on the twenty third of July, and shall lay siege to some fortresses, but as battle is expected their strength is not to be wasted in doubtful assaults: that none shall pillage in advancing to the marches, but shall pay for what they have, on pain of beheading; and all persons coming to the army to sell victuals shall be safe: if any man slay another, it is instant death: if any common soldier strike a gentleman, he shall lose his hand or ear; if one gentleman strike another, justice shall be administered by the captains. In riots between the French and Scots, the byestanders must seize the guilty, who if knights are to lose horse and armour, if commoners a hand or an ear; the like penalty for those who shall dislodge their companions, or disorder the march. All Scots and French are to wear, before and behind, a white cross of St. Andrew; if the armour be white, it must be borne on a square, or a circle, of black cloth. If any Scot insult a Frenchman, he is to be seized by the French, and brought before a Scottish chief; and so in the contrary. He who unhorses an Englishman is to have half his ransom. None shall set fire to a church, kill a woman or a child, or commit rape, on the penalty above mentioned of knight and common soldier. The prisoner shall belong to that captor who first received his plighted hand; if taken from him the captain shall order restitution; if the prisoner be killed a reasonable ransom shall be allowed. All safe conducts granted by Vienne shall be observed by the Scottish lords and captains; and the French leaders

1371—leaders shall pay like reverence to those of the Scottish generals⁷. Such is this curious ordinance, which throws considerable light on the military manners of the times.

SECTION III.

Agriculture, Useful Arts.

ON these topics only a few brief illustrations occur. Though Scotland was already denuded of wood, as before evinced, it was not owing to the progress of agriculture. James I ordered that each poor person who ought to be a labourer, should either be the half proprietor of one ox in the plough, or dig every day a square of seven feet of ground, a toil which extended through the year must not have been inconsiderable⁸. His statutes also ordain that every farmer, using a plough of eight oxen, shall sow every year a firloft, or four Scottish pecks, of wheat, half that quantity of pease, and *forty* beans, under the penalty of ten shillings to the baron⁹. Oats and barley were almost the sole crops; not only wheat but pease and beans were extremely rare, and *pease-bannocks* were till lately esteemed the next regale to wheaten bread. The acts concerning wolves and rooks, and burning of heath at improper seasons, need not be recapitulated. Stealers or peelers of green wood, breakers of orchards, destroyers of rabbit warrens, and dove-cots, were all justly punished by this wise prince; who also established a *new extent* or valuation of landed property¹.

The frequent wars between Scotland and England, since the death of Alexander III, had occasioned to the former

⁷ Register, f. v. 72.

⁸ Acts, f. v. 7.

⁹ Ibid. f. v. 14.

¹ Home, hist. law tracts, p. 416, seq.

country the loss of more than a century in the progress of 1371—civilization. While in England only the northern provinces ¹⁴³⁷ were exposed to the Scottish incursions, Scotland suffered in its most civilized departments. It is apparent that, in the reign of Alexander III, the kingdom was more abundant in the useful arts and manufactures, than it was in the time of Robert III.

When James I concluded the commercial treaty with Flanders, it is highly probable that he invited Flemish artisans to settle in his dominions. With his admirable talents for government, it seems impossible that he could overlook the advantages of a plan certainly pursued by his successors².

Yet the evidence concerning useful arts and manufactures continues barren. In a statute of 1428 masons, carpenters, smiths, taylors, weavers, are mentioned³; and perhaps one or two other *crafts*, as cordiners, or the like, may be omitted. The weavers were apparently solely employed in coarse linens, and perhaps some woollen stuffs. But while Ireland from its English settlements exported the latter, Scotland had certainly no manufactured export⁴. The rich were wholly clothed in foreign products; which seem even to have furnished the holiday dresses of the poor.

² Boyce, f. 365, affirms that James I procured Flemish artists; but a conjecture is better than his authority. From Bowar, 505, it appears that James delighted in the mechanic arts.

³ Acts, f. 18.

⁴ The Dittamundi testifies the export from Ireland of *saie*, *lays*, or thin woollen stuffs.

SECTION IV.

Commerce, Money, Navigation.

1371— THE grand emporia of commerce at this period were Venice,
 1437 England, Flanders, and the Hanse Towns. Venice in parti-
 cular concentrated the commerce of the east and south; and
 Flanders that of the west and north. Hence the extreme
 opulence of the Netherlands, and the rapid progress of their
 useful and luxurious arts. To them almost the whole Scottish
 trade was confined: some voyages to Norway, Denmark, and
 one or two of the Hanse Towns, and some to France for
 wines, formed perhaps the only varieties.

The imports from Flanders extended, as has already ap-
 peared from Froissart, even to the commonest necessities.
 The exports by the account of pope Pius II, were hides,
 wool, salt-fish, and pearls⁵. The statutes further supply
 horses, kine, sheep, various skins for furs, as mertrik, fulmart,
 otter, fox, hart, and roe: and woollen cloths, probably of
 Scottish wool manufactured in Flanders for Scottish merchants⁶.
 The customs on imports and exports amounted to about two
 shillings in the pound, or a tyth; but the extent of the trade
 cannot be ascertained⁷. The balance was however greatly
 against Scotland, as may appear from the gradual impoverish-

⁵ Scotland was long celebrated for pearls. Julius Cæsar is accused of invading Britain to procure that precious article, and there seems no evidence that they were found in the south. Alexander I had a vast collection. Dalr. Ann. I, 58. The Tay still furnishes some pearls.

⁶ Acts, f. 3, 5. Herring, fresh, salted, and red, are also mentioned. *Talch* or tallow is forbidden to be exported.

⁷ Ib. f. v. 7, &c.

ment of the country, and rise in the value of the coin; and 1371—
no less than five statutes of James I appear, against the export- 1437
tation of money.

The merchants often went abroad with their cargoes; but none was permitted to use this privilege, except he were worth three *serplaiths* of wool, each *serplaith* being eighty stone weight, or about two sacks⁸.

Campvere does not appear to have been the staple port, till after the marriage of its lord to a daughter of James I. The Dam or Amsterdam, Sluys, Bruges, are mentioned as the places of resort; and in the latter city James I founded a Scottish chapel, to be supported by some duties on vessels⁹.

In the old manuscripts of our laws those concerning shipping appear, certainly not later than the reign of the first James; but they throw no light on commerce. It is remarkable that they always name Berwick, in mentioning a sea-port; and Bourdeaux is almost the only foreign haven known to their doubtful pages. They are merely private regulations, probably English, and composed at Berwick, which, when ships were of fifty tons, aspired to be a port; and even so late as the reign of James V demanded to be considered as the staple for all Scottish salmon imported into England¹.

Domestic traffic was chiefly carried on at fairs, an amiable and useful invention of the Roman catholic superstition. They were commonly held on the day of the saint to whom

⁸ Acts, f. 7. Skene voce *serplath*.

⁹ Acts J. III, 1466, prohibiting further intercourse with the *Dwyn*, the Sluys, the Dam, or Bruges. A statute of James I, f. 18, implies no staple, as it mentions indifferently Zeland and Flanders. The chapel appears in a grant of James IV, 1512, Scott. Cal.

¹ MS. Harl. 4700, written about 1430, and perhaps the oldest extant of the *Regiam Majestatem*. And see the reign of James V.

1371—the parish church was dedicated, and sometimes on sundays.

1437 Thither the merchant or the chapman brought his goods; and the farmer and the peasant disposed of their products, and returned to their wives, daughters, or mistresses, with necessities, or little luxuries, the cloths and tools of Flanders, or the silks and spices of Venice and the East.

Yet the defect of industry in agriculture, pasturage, and manufactures, occasioned as above mentioned a great balance against Scotland, and affected the coinage, which till the year 1355 had been equal in name, weight, and purity, to the English. In a parliament of June 1385, it was ordered that the moneyer should issue coin of sterling purity, either from bullion, foreign money, or vases and other plate; and render out of the pound weight of silver twenty-nine shillings and four pennies, or in other words three hundred and fifty-two pennies. Those who bring blanks of France are to have the same weight, except the loss of six blanks in the pound. The English noble of six shillings and eight pence is ordered to go for seven shillings and eight pence Scottish: the French crown of 47 deniers for 42 Scottish pennies; and that of Flanders for 47 and a half-penny; while the French mouton is to bear 50. The exportation of money, by sea or land, is prohibited, on pain of forfeiting the sum, and even the life of the offender to be in the king's power; except foreign merchants who bring corn, wine, boards, or the like necessities, who may export their profits². In the reigns of Robert III, and James I, Scottish money was to the English as one to two. The gold coinage of Scotland commences with the accession of the house of Stuart³.

Navigation

² Register, f. 74.

³ Anderson Dipl. Grants of Robert III appear to Thomas Melville, officer of the mint, and to Galfur Goldsmith, coiner. Scotf. Cal. Harl. 4609, f. 121.

Navigation continued in a state of imperfection. The short 1371—
and heavy shape of the ships, with a high chamber on the 1437
poop and prow, or fore and back castle, large tops like gal-
leries in the masts, and other inartificial mechanism, presents
a striking contrast to the light elegance, and rapid movements,
of modern vessels. Even the galleys, or ships with oars, dis-
played their high castles, and a form far from agile. The
ships had thus less command of the sea, and were more ex-
posed to the storm, so that it is no wonder that sailing in the
winter months was strictly prohibited. James I ordered with
great justice that, in case of shipwrecks on the Scottish coasts,
foreign vessels should undergo the same laws as were practised
in the countries to which they belonged⁴. To judge from
what little evidence arises few foreign ships visited Scotland,
and the little trade was chiefly conducted by the natives.

SECTION V.

Ecclesiastic History, Literature, Language.

IN the middle ages the history of literature is intimately
connected with that of the church; and it is a singular reverse
of chance and time when literary men, themselves the priests
of the muses, become enemies of their predecessors the priests
and monks, whose influence was only that of knowledge over
ignorance. During those barbarous times, when science was
neglected, and force alone reigned, a literary man could not

The latter was probably a foreigner, Fleming or Lombard. It is probable that
the engravers for the mint also executed the seals of the middle ages, the best
productions of art in these times.

⁴ Acts, f. v. 21. A *carrick* of Lombardy was wrecked near Leith, O.A.
1425. Bowar, 487.

1371—pursue his studies, except in a monastery: and there is reason
1437 to believe that many cordially despised the superstitions which
they professed, and had, like the ancient philosophers, their
exoteric doctrine for the people, and their esoteric for the
learned: at least this seems the most rational way of account-
ing for the preservation of many classics, and works of phi-
losophy, little accordant with the christian purity, and doctrine;
and for some minute but singular circumstances, in several
sculptures and manuscripts of those times.

That christianity had an eminent effect in the progress of
civilization, it would be absurd to deny. Its enemies assert
that it introduced only new motives of discord, proscribed all
vigour of intellect by the imbecility of belief, excited innu-
merable wars of religion, (a contradiction in terms almost
unknown to the ancient world,) murdered millions for any
absurd dogma; and even by the severity of its doctrines, tended
to vitiate or madden mankind, unable to observe laws repug-
nant to their nature. But such are human affairs that no
eminent advantage can be produced, without great concomi-
tant disasters; and the objections proceed upon a fallacious
ground, as being estimated from a partial view of the influ-
ence of christianity in civilized times, instead of a general
retrospect of its influence on barbarous nations and periods.
The tenets of the ancient philosophers had been confined to
a few individuals; but the christian system was diffused through
all ranks of men; and its progress into the northern kingdoms
is marked by the first dawn of science, and civilization. It
was in itself a system of education; and thus accomplished
what no conquest, intercourse, nor form of government, could
have supplied; and even where its first steps are marked with
blood, the temporary evil produced a lasting benefit, by abo-
lishing the constant wars and slaughters of savage life, and the
immolation

immolation of human victims to deformed idols. Reason has 1371—
 as yet had no power over nations, and enthusiasm alone could 1437
 produce such wide and lasting effects: but while some may
 doubt whether any particular system of religion be designed
 by providence as an eternal fabric, or as a scaffolding to hide
 and accomplish some great design, let us be contented to as-
 cribe to christianity its just merits, in advancing the state of
 barbaric society.

The history of the church of Scotland preceding the re-
 formation presents few important events, and the chief are
 inwoven with the national annals. Only some detached facts
 and remarks are reserved for this place.

The privileges of the Scottish church are often confirmed in
 the statutes, but are no where precisely enumerated. They
 seem to have been an exemption from tribute and war, and
 from the sentence of a temporal judge: a judicial authority in
 the spiritual causes of tithes, testaments, matrimonial and
 heretical affairs: freedom to let lands and tithes: submission
 to no foreign church, but to the pope alone: a power of
 holding provincial councils for the regulation of the national
 church. In benefices the pontiff had only the right of con-
 firmation and deprivation, and the purchase of any benefice
 at Rome was strictly prohibited. The bishops were elected by
 the chapter, and the royal recommendation seems seldom to
 have intervened. Abbots were chosen by the monks alone;
 the secular clergy were named by the proprietors of the lands^s.

^s These clergy were either parsons, (rectors,) or vicars. Many were in the
 appointment of the bishops, and of collegiate bodies, whose chapters they
 formed. Hence the lay patronage was much confined. The parochial anti-
 quities of Scotland have been little explored; but the number of parish churches
 seems to have encreased since the reformation. It appears, from the foundation
 charter of the collegiate church of Dunbar, that a vicar's salary was about ten
 marks sterling, or about seventy pounds modern currency.

Many

1371— Many fees, and abbeys, were opulent; but James III seems
 1437 to have been the first monarch who seized and made a traffic
 of the nomination.

Winton gives a singular tale, unknown to other writers, concerning the appointment of a bishop of St. Andrews. In the year 1399 Walter Danielston, parson of Kincardin O Neil in Aberdeenshire, by some means took possession of the castle of Dunbarton. Three years after, on the death of Trail bishop of St. Andrews, Thomas Stuart brother to the king was elected by the chapter, but not confirmed by the pope; and Danielston offered to surrender Dunbarton, if the fee were assigned to him. The terms were accepted by Albany: but Danielston only survived this strange transaction half a year⁶.

James I introduced the Carthusian order into Scotland: he found the Benedictine and Augustinian monks so relaxed in their discipline, that he wrote a letter of exhortation on the subject to their abbots and friars⁷. After a lapse of near a century, a general council of the Scottish clergy was held at Perth in 1420; but its regulations are of little moment. Another council met Antony bishop of Urbino in February 1437, but the king's death prevented any procedure⁸.

The mass, pilgrimages, and preachings, formed the great objects of devotion. Bowar displays the virtue of the mass, in saving three monks of his monastery, who were bringing ale in a boat that was lost, with a credulity worthy of the ninth century⁹. The most noted pilgrimage appears to have been Whithern; and James I issued a general permission to the

⁶ MS. 886. ⁷ Bowar, 508.

⁸ Innes Essay, II, 587. Bowar, 502.

⁹ Cont. Fordun, 467.

English and people of Man to visit that sanctuary¹. Sermons 1371—
in the vulgar tongue were not only delivered by the preaching ¹⁴³⁷
friars, but by such of the bishops, and other secular clergy, as
were capable. At the coronation of Robert III, 1390,
Thomas bishop of Galloway preached the sermon². An idea
of these sermons may be drawn from those at the opening of
English parliaments: latin sentences from scripture were mixed
with declamations in the language of the country.

Scholastic divinity continued to be regarded as the chief
branch of literature: an idle study, in which the powers of
the human mind were consumed in mere disputation concern-
ing ideal words, while things were neglected or unknown.
The acuteness wasted on quiddities, entities, and other ab-
surdities, might if applied to life, manners, or real science
and philosophy, have made important discoveries: but such is
man, ever ready to abandon the important realities before
him, and eager in pursuit of barren visions. Till the univer-
sity of St. Andrews was founded in 1412, the Scottish youth
designed for the church were chiefly educated at Paris and
Oxford³.

Amid many important circumstances, which mark the ac-
cession of the house of Stuart, may be placed the commence-

¹ Scott. Cal. "The fauls of Whithorn." Rabelais, II, 322, mentions the frequent pilgrimages to St. *Treignan*, (Ringan, a Scottish corruption of Ninian,) and I, 250, puts St. Treignan of Scotland, as a common oath.

² Winton, 860. The homilies in latin were for the clergy, and for publi-
cation: but sermons in the vulgar tongue seem to have continued in all ages.
The Anglo-saxon homilies are innumerable: and the practice might be evinced
from contemporary writers of all centuries, in France and other countries.
Des Ursins in particular often mentions sermons, being himself an archbishop.

³ The first professorships at St. Andrews were for school-divinity, canon-
law, philosophy and logic: the professors Lindoris, Cornel, Shevis, Gill, &c.
Bowar, 445.

1371—ment of a successive series of Scottish authors; while before
 1437 that period hardly half a dozen can be enumerated, at distant
 intervals, and those chiefly meagre chroniclers or rimers in
 latin. At the head of this series stands John Barbour arch-
 deacon of Aberdeen, who in 1375 wrote his celebrated histo-
 rical poem on the actions of king Robert the Great. He also
 composed a genealogy of the kings of Scotland, from the fa-
 bulous Brutus of Geffrey of Monmouth, down to Robert II
 inclusive; and endeavoured to render the new dynasty more
 illustrious by poetical embellishment. This work is lost; but
 we learn that he derived the Stuarts from Wales, and from
 Fleance de Waran, and fell into unchronological errors which
 Bowar points out, about sixty years after the appearance of
 this ideal genealogy, an offering of flattery on the altar of
 loyalty ⁴.

John of Fordun, an useful compiler of history, also flourished
 under Robert II. His work was however little known, till it
 was republished with large additions by Walter Bowar in the
 reign of James II. Thomas Barry, canon of Glasgow, and
 first provost of the collegiate church of Bothwell, wrote a
 long latin poem, in various kinds of rime, on the battle of
 Otterburn, 1388. It is preserved by Bowar, and is not without
 merit in its singular line ⁵.

Andrew Winton, prior of Lochleven, composed his riming
 chronicle of Scotland, while Murdac duke of Albany was
 regent, 1419—1424, as appears from his prayer that the son
 of Robert Duke of Albany may equal his father ⁶. James I
 is well known as a poet of great genius. It is likely that Sir

⁴ Barbour's Bruce, London 1789, pref. p. xix. Bowar, 542.

⁵ Cont. Fordun, 406.

⁶ MS. 901. "The fruite of him God graunt to be
 Sik as in his tyme was he."

Hew of Eglinton, Etrik, Heriot, John Clerk, James Afflek, 1371—
 Mungo Lockhart of Lee, and Clerk of Tranent, old poets 1437
 mentioned by Dunbar, belong to this period: and we know
 that metrical romances were now common, and formed a fa-
 vorite amusement of James I^s. Barbour and Winton present
 ample specimens of the Scottish language at this epoch.

The civil, canon, and municipal, law, must have been
 cultivated; but no certain work remains on these topics,
 though the statutes evince considerable skill and prudence.
 Moral philosophy, natural history and philosophy, mathematics,
 medicine, practical divinity, astrology, chymistry, were branches
 of science not uncultivated at this period, but no trace of
 them can be found in Scotland.

SECTION VI.

Ornamental Arts, Manners, Dress.

THE state of the arts was not so mean as may be imagined.
 Architecture, in particular, began to assume all the richness,
 of which the Gothic style is susceptible. To the credit of
 Robert II and III it may be remarked, that no religious foun-
 dation is ascribed to them; and the revenues of the crown
 were kept sacred from superstition. Of the latter prince it
 is recorded, that when Annabella his queen endeavoured to
 persuade him to erect a magnificent tomb for himself, he an-
 swered, with his accustomed piety and humility, that he would
 prefer the meanest sepulchre, as more proper for one of the
 worst of kings, and greatest of sinners^a. The foundation of

^a Contemp. account of his assassination.

^b Bowar, 440.

1371—monasteries had, in the preceding century, remarkably sub-
 1437 fided. The wealth of the monks had rendered them volup-
 tuous, illiterate, and remiss in their duties, so that even the
 masses for the founders appear to have been uncelebrated.
 Hence a new species of religious foundation became fashion-
 able in the fifteenth century, that of collegiate churches or
 provostries, so named because the superior was styled provost.
 The secular canons, or prebends, formed a body at the college
 church, occupied in divine service, and singing masses for the
 founders, while their vicars served their respective parish
 churches. These collegiate edifices, with some foundations
 for the Observantines, a branch of the Franciscans or Gray
 Friars remarkable for austerity, present the most certain and
 genuine specimens of ecclesiastic architecture at this period;
 such as Dunbar, Bothwell, Botham, Corstorphin'.

The larger castles continued to be distinguished by one or
 two exterior walls, and a court in the centre of which stood
 a large and high tower, or donjon. Some there were which
 approached to more modern architecture, being built around
 a central court, and only fortified with a ditch and draw-
 bridge. Every *laird* or country gentleman had his *fortalice*,
 or tower, a lofty edifice with small windows, surmounted by a
 flat stone roof and battlements, and secured by a ditch. In
 towns the few chief houses had more of the modern style,
 fortification being unnecessary while the town was guarded by
 a wall and ditch. The architecture seems to correspond with
 the Flemish; the Scottish artisans perhaps studying in Flanders.

* Spottiswoode, Religious Houses. Winton ms. 835, gives some account
 of the architecture of a part of the church of St. Andrews, which had been
 burnt down, and was rebuilt by bishop Landal, 1341—1385. Tombs of con-
 siderable elegance are also found in Scotland, of the period now under view;
 but nothing is known of the artists.

Bowar celebrates James I for the construction of palaces, 1371—
and reparation of castles, but he does not specify the instances². 1437
Gardening was also a favourite amusement of that prince;
and Bowar mentions his delight in planting herbs, and trees,
and in grafting³. The use of pot-herbs seems never to have
been interrupted in the middle ages; and constant intercourse
with Flanders, a celebrated seat of horticulture, must have
given the Scots a taste for gardening. The monasteries in
particular were distinguished for good gardens and orchards⁴.

In painting it is probable that no native artist arose, though
James I was himself an eminent calligrapher, illuminator, and
painter in miniature⁵. But Venice had already introduced
many arts from Constantinople, and in the current of com-
merce had imported them to Flanders. Oil-painting in par-
ticular was known for centuries, before John Van Eyck about
1410 made some improvement, which gave him the fallacious
honour of being considered as the inventor⁶. In the erection
of the palaces, colleges, and churches, often commemorated
in this century, it seems impossible that painting should have
been forgotten. An old writer mentions that, on the execu-

² Cont. Ford. 514.

³ Ibid. 505. Till the year 1500 the gardens even in France had only
treilles, berceaux, tonnelles, preaux, sieges, et pavillons de verdure. Le Grand,
I, 150.

⁴ There is an idea, or tradition, that coleworts were introduced in the north
of Scotland by Cromwell's soldiers. They may have laid out a few gardens,
or introduced some particular cabbage or pot-herb, but *olera* were common in
Scotland in 1267. Fordun, II, 105. The provincial council of 1269 mentions
the tithes of gardens in town or country. Wilkins, I, 611. And in the pre-
ceding century David I was fond of gardening, as Ailred observes in his life.
Vitæ Sanct. Sc. 444, 449. Arnoldus Villanovanus, A. D. 1300, enumerates
three sorts of cabbage, white, green, and frizzled. See also Crescentius de
Agricultura.

⁵ Bowar, 505.

⁶ Raspe on oil-painting, 1781, 410.

1371—tion of Murdac duke of Albany, his sons, and Lennox, 1425,
 1437 they were buried in the Blackfriars church at Stirling, on the
 south side of the great altar, with paintings of their persons
 and arms⁷. Heraldic painting, at least, must have been
 common⁸.

James I was also distinguished for his skill in music; and the chronicler in celebrating this talent throws some light on the state of music in Scotland at the time. That prince, he says, sung well; and played on the tabor, bagpipe, psaltery, organ, the flute, the harp, the trumpet, the shepherds reed: on the harp in particular his performances were admirable, and were highly applauded both by Irish and English masters⁹.

In the consideration of the manners of the great, hunting forms an eminent feature. Deer-stealers were severely punished; and a statute appears ordering that no partridges, plovers, black-cocks, muir-cocks, nor other game, be taken from the beginning of Lent till August, under a penalty of forty shillings¹. Falconry seems to have been a favourite diversion of Murdac duke of Albany; and was long to continue in high esteem².

But tournaments presented the grandest theatre of entertainment. In 1390 Sir David Lindsay of Glenesk, afterwards

⁷ "Figuris, et armis, eorundem, depictis." Extracta e Chron. Scot. p. 272, apud Douglas Peerage, p. 397. For paintings A. D. 1400, see the Statistical Account of Scotland, I, 329.

⁸ The engraving of seals, one of the chief arts of the middle ages, may also be considered as belonging to heraldry.

⁹ Bowar, 504, 505. The terms are, *tympano et choro, psalterio et organo, tibia et lyra, tuba et fistula . . . cithara*.

¹ Acts, f. 7. 19. In 1416 a pair of storks, *ciconiæ*, built in the steeple of St. Giles, Edinburgh, and remained a year. Bowar 449. The crane, *grus*, is commemorated in Adomnan's life of Columba, Vitæ S. S. 96.

² It is first mentioned by Firmicus in the fourth century. Le Grand, I, 320, says the hound, and glove for the falcon, on a tomb, shew a pacific personage; the lion, helmet, &c. a warrior.

earl of Crawford, passing with a gallant train to a tourney, ^{1371—}
 appointed at London by Richard II, overcame lord Wells, a ¹⁴³⁷
 valiant knight; both in the horse and foot combat: and the
 circumstances are detailed with minute pride by the Scottish
 chroniclers³. On the day after the contest, a specimen arose
 of the rude wit of the time; an English knight saying that
 there were no doubt bold men in Scotland, but such were the
 issue of the English by illicit intercourse with Scottish ladies,
 during the conquest of that kingdom; to which Sir William
 Dalryel, a knight in Lindsay's train, retorted that the case
 might be true, but that it was equally certain that a propor-
 tional degeneracy had taken place among the English warriors,
 the progeny of valets, cooks, clowns, and fathers confessors,
 whom the ladies had admitted to their arms, during the ab-
 sence of their lords in Scotland. And Sir Piers Courtenay,
 an English knight, royal champion, and brother to the pri-
 mate, wearing on his sleeve an embroidered falcon, with this
 motto,

I beer a falcon, fairest of flicht,
 Who so pinches at her, his death is dicht
 In graith.

Dalryel assumed a similar dress, with the badge of a magpye,
 and this device,

I beer a py-pykkand at ane pes,
 Quhasa pykkis at her, I fal pyk at his nese
 In faith.

The challenge was understood, and accepted; but the affair
 terminated in a ludicrous demand of Dalryel, that, as by the
 laws of tournament, the champions ought to be perfectly equal,

³ Winton 853—856.

1371— and he had lost an eye at the battle of Otterburn, Courtenay
 1437 of course should have one of his extinguished before the com-
 bat⁴. In 1394 the earl of Moray was slain in a tourney with
 the earl Marshal of England: and in 1407 Mar was defeated
 in a similar contest⁵. James I seems not much to have en-
 couraged these spectacles: and it is his higher praise that he
 brought the realm to such tranquillity, that there was no occa-
 sion to proceed to any court in arms, nor to raise any spear,
 except that which bore the royal pennon, the mark of his
 omnipresent authority⁶.

While the commonalty were so much attached to the foot-
 ball and golf, that positive statutes became necessary against
 these diversions, in order that archery might meet with due
 attention, the great amused themselves with *parwe* or tennis.
 The disposal of the evening, a great object in a life of ease,
 forms a marked diversity in the manners of the great in dif-
 ferent ages. Among the ancients the chief repast, at that
 time, beguiled the fatigues of the day. But the barbaric
 customs of a large dinner in the morning, and a slight supper
 three or four hours after noon, left the evening listless, soli-
 tary, and vacant. The game of *tables* or draughts, supplied
 modern cards; and the minstrels now and then atoned for the
 want of theatric exhibitions. The evenings of James I passed
 in playing at chess, or tables, reading romances, singing,
 piping, harping: the *voidée*, or parting cup, was the signal
 of retiring to rest⁷.

In food little luxury seems to have been known, till James I,
 who had resided nineteen years in England, set the example

⁴ Bowar, 423.

⁵ Caxton's Higden, f. v. 398. Winton, 903.

⁶ Bowar, 512.

⁷ Contemp. account of his assassination.

of a higher style of living⁸. Under Robert II, the French 1371—
 knights could procure no wine but at a great price; the ale 1437
 was no better than small-beer, and the bread was of barley or
 oats⁹. Among the Romans indeed barley bread was the food
 of gladiators, to give them strength; it was also a favorite of
 the Greeks, and Hippocrates has written in its praise. In the
 cookery of the middle ages meat was highly seasoned; and
 even the wines were often mingled with spices. Distilled
 spirits are unmentioned even in the south of Europe, till about
 the year 1300; and were chiefly confined to the shop of
 the apothecary till the sixteenth century. There seems little
 mention of brandy or whiskey in Scotland, till the reign of
 Charles II¹.

The dress of the common people has already been described;
 but that of the great was more complex. The linen shirt
 began to be used, over which was a doublet, or vest with
 sleeves; and the jacket or the gown supplied the modern coat².

The

⁸ Hence the loud complaints of Boyce against the luxuries introduced by
 James I. Winton, 904, mentions Mar's open house and table, at the sign of
 the Tin plate, a tavern in Paris. Tin or pewter plates now began to be used
 instead of wood.

⁹ Froissart, Tome II, f. 182.

¹ *Aqua vitæ* distilled from wine was known as a medicine in France, about
 the middle of the twelfth century, and seems a product of Arabian chymistry
 imported by the crusaders. Arnoldus Villanovanus A. D. 1300 is the first how-
 ever who speaks in precise terms of *aqua vitæ*, and recommends it for most
 disorders, in his book on the preservation of youth. Le Grand Vie Privée des
 François, Paris 1782, 3 vols. 8vo, Tome III p. 63, seqq. And he elsewhere
 observes that the distillers are not known as a *confrairie* at Paris, till 1537.
 Schoockius de Cerevisia, 1661, says that corn-spirit is derived from Russia.
 Whiskey was originally the Irish *Uisquebauh*, a literal translation of *aqua vitæ*,
 being barley, saffron, and sugar, decocted, and mixed with corn-spirit.

² The gown when very close was called a circoat, and sometimes by the fe-
 male term *kirtil*, as appears from the catalogue of the wardrobe of Henry VIII

in

1371— The hose, or breeches and stockings in one piece, and shoes
 1437 of *cordwain*, cordovan or Spanish leather; and the hood, or
 the filken or velvet cap, ornamented with jewels, completed
 the dress. An act of James I prohibits any to wear silk, or
 the finer furs, except those lords and knights whose income
 amounted to two hundred marks a year, and their heirs; the
 use of embroidery, pearls, or ornaments of plate, was alike
 restricted; but others might wear *serpes*, belts, broaches, and
 chains³. The belt, or girdle, formed also a necessary article
 of the dress of the great: and there were other modes adapted
 to different ranks and occasions, the mantle or short cloke
 open at one shoulder, the tabard or loose jacket, and the like.
 But the gown and the robe, and their furring, constituted
 grand objects of distinction and expence, being generally of
 silk, velvet, or cloth of gold. Other particulars may be
 learned from the contemporary account of the assassination of
 James I: that prince was “standing in his night-gown, all
 undressed save his shirt, his cap, his comb, his coverchief, his
 furred *pynsons* upon the form.” Shoes with long peaks,
 fastened to the knees with chains of gold or silver, were in
 fashion for some time, as appears from numerous authentic
 testimonies; but it is remarkable that they occur in no paint-
 ing nor illumination⁴.

The
 in Strutt, III, 80, consisting of robes, gowns, kirtles, coats, and doublets,
 where a kirtle with sleeves is mentioned. And in the Speculum Regale, p. 286,
 a man's tunic is termed *Kyrtil-flaus*. The gown was put on as a shirt is, and
 was girded. Circoat should be *furcote*, as being over the coat or jacket, often
 worn over the *doublet*, so called apparently as being a double dress under the
 jacket. Juvenal des Ursins describes, p. 177, the whole dress of Charles VI
 as consisting of a shirt, vest, (*gippon*) robe, hose, and boots.

³ Acts, f. v. 20.

⁴ The Eulogium Britannæ, written apparently in the beginning of the reign
 of Richard II, 1377, gives the oldest testimony concerning these chains; and

The dress of the ladies consisted chiefly of the *kirtil*, or close gown and petticoat in one piece, and the mantle. Other articles were, the *wylicot* or under petticoat, shift of fine linnen from the Netherlands, hose or high stockings of linnen or woolen cloth, and shoes of leather from the *Straits*, Morocco or Spain. Nor ought the girdle, and the broach, which fastened the mantle, to be omitted. The head-dress appears to have varied considerably, according to the rank or taste of the wearer ⁵.

Rofs (Warw. Chron. p. 205) says they began in that reign. They were probably confined to it, whence their rarity in illuminations: but shoes with long pikes appear in the statutes, 3 E. IV. c. 5, repealed 24 E. IV, 1483, and are common in MSS.

⁵ In describing the female dress, Chaucer (Miller's Tale) mentions the *seint* or girdle, the *barne-cloth* or apron, shift embroidered round the neck with black filk, forming a collar, white *volupere* or cap with a fillet or ribbon, leathern purse with filk tassels and ornaments of metal, broad broach, shoes high laced. The *wylicot*, hose, and order of the garter, he modestly omits: the *kirtil* and mantle he passes as trivial.

BOOK VI.

CONTAINING THE REIGN OF JAMES II.

Minority and regency—truce with England—Crichton, Livingston, and Douglas—marriage of the queen dowager—execution of Douglas—marriage treaty with Bretagne—power of Douglas—fall of Crichton and Livingston—death of the dauphiness, and the queen dowager—execution of Livingston—English incursions—battle of Sark—marriage of James, his character and active authority—parliament—affairs with Douglas—his treasons—murder of Maclellan—Douglas stabbed by the king—commotions allayed—tranquillity—university of Glasgow founded—grand rebellion of Douglas—quelled—conflict at Arkinholm—death of Moray and Ormond—parliament—James invades England—truce—parliament—siege of Roxburgh—death of James.

1437 **O**F the reign, now about to be described, no original and authentic history remains; and at a period when we might expect a light so strong, as to illuminate the minutest features of action, and of character, a kind of twilight surrounds us, in which only a few large objects can be discerned. The acts of parliament, and other records, present unquestionable evidence; but it is not in the fixed formality of such writings that the most interesting details of history are to be found; and any regular epistolary correspondence concerning public

public affairs Scotland cannot display, till towards the end of ¹⁴³⁷ the reign of James IV. These remarks are introduced to solicit some indulgence for this particular part of the narration; in which however no labour shall be spared to recover authentic facts, and to place them in a distinct point of view¹.

A parliament being called at Edinburgh, the first object was ^{25 Mar.} the coronation of the young king, now only in the sixth year of his age, and which was solemnized on the twenty-fifth day of March, then reputed the first day of a new year²; the next; was an act passed to revoke all alienations of lands, or other property, belonging to the crown, since the death of the late king, except granted by the consent of the three states; and to declare all future alienations void, save those warranted in like manner, until the king shall have attained his twenty-first year³.

¹ Bowar, the continuator of Fordun, terminates his historical labours with the death of James I. The scanty original materials, for the reign of the second James, are chiefly the brief notices at the end of Bowar's work, p. 518—520, and the history by John Mair, Paris 1521, Edin. 1740, 4to. p. 322—326, his injudicious narrative of English affairs abridging the real object of his work. Hector Boyce closed the first edition of his fables, 1527, with the death of James I: and happy had it been for our history, if he had not written the reign of James II at great length; which, after circulating in ms. and being translated, (with the interpolation of two large passages after mentioned,) by Lindsay of Pitscottie, was published in the second edition of Boyce's history by Ferrerius, Paris 1574. Not only has Lindsay translated Boyce's fabulous account, but Lesley and Buchanan have been contented to abridge it, without corrections, or new facts. In this reign only will Boyce be occasionally quoted, and with much hesitation.

With the reign of James III commence four original historians, seldom or never borrowing from each other, Lindsay, Ferrerius, Lesley, Buchanan.

² Acts, f. 26. The date is, among many similar corruptions, put 20th March. But see Ruddiman's notes on Buchanan, I, 439. The continuator of Bowar, p. 518, rightly dates the coronation of James on the 25th March.

³ Acts, *ibid*.

1437 In our defect of constitutional information it is not to be discovered by whom this parliament was summoned. Late writers assert that this high privilege was exerted by the officers of state; but their duty certainly expired with the deceased sovereign, and the sacred truth that such officers belong to the nation is a modern discovery. The same authors carelessly inform us that the government was divided, by the parliament, between Sir William Crichton the chancellor, and Sir Alexander Livingston appointed keeper of the king's person. Both accounts seem more than doubtful. There is every reason to believe, from the repeated oaths of fidelity ordered by James I to be taken to his queen, and from other circumstances, that the late monarch had, by his testament, appointed the queen regent, with a chosen council⁴: that the parliament was called by the regency: and that Crichton and Livingston were not

* The contemporary ms. on the death of James I ascribes the punishment of the regicides to the queen, an indication that the chief power was in her hands.

Of the ms. annals of this reign by Sir James Balfour a transcript has been obtained; but they are of little value, and chiefly abridged from Boyce's history. He mentions the following persons as the council of regency; Sir William Crichton, Archibald earl of Douglas, William lord Hay, great constable, James lord Lindsay, Walter Haliburton, treasurer, James Kennedy bishop of St. Andrews, Henry Lighton bishop of Moray, Mr. William Trumbull, keeper of the privy-seal. Livingston as keeper of the king's person Sir James regards as possessed of the chief authority: but this council is probably from some record, as he dates its election 27th March. Yet Kennedy was not bishop of St. Andrews till 1440; the bishop of Moray was John Winchester; Lighton was bishop of Aberdeen. (Keith's Bishops.) So much for Sir James's accuracy.

From Scotstarvet's Calendars the following officers appear towards the beginning of this reign: Sir William Crichton, chancellor; Alexander Livingston, lord of Calendar; James Livingston, captain of Stirling castle; William Trumbull, keeper of the privy-seal; Sir Robert Lauder of Edrington and Bais, justiciary; John Railston, secretary; Richard Craig, director of chancery; Walter Haliburton, treasurer; John Shevis, clerk of register; Nicol Ottirburn, official of Lothian.

indebted

indebted to the national council for their power, but derived ¹⁴³⁷ it from the will of James I. It is most improbable that a proud aristocracy should have forsaken their pretensions, upon this great occasion: but that the late king should have appointed two gentlemen of reputed wisdom and integrity, in opposition to the dangerous ambition of the nobles, is concordant with his character, and highly credible. A similar series of events ensued to those which occur in the minority of James V: the spirit of the nation, and of the times, was little adapted to the conduct of a female hand, not only feeble, but exposed to just suspicion, because the queen was a native of England, between which country and Scotland had long subsisted either open enmity, or inveterate jealousy. Finding that her power could not command confidence, nor influence, she soon shrunk from it; and left Crichton and Livingston to maintain their turbulent elevation.

An open war with England had taken place before the death of James I, and the spirit of that prince was not such as to solicit peace; but the present state of Scotland, under the distractions of a minority, rendered a treaty desirable. After some negotiation, a safe conduct was granted, by Henry VI, 18 Sept. to John bishop of Glasgow, Alexander Seton of Gordon, Sir Walter Ogilvy, and Sir John Forster, as ambassadors from Scotland: yet, from some unknown cause, probably a dissension between Crichton and Livingston, these ambassadors were not sent. Soon after, other persons were appointed, 30 Nov. namely the lords Gordon and Montgomery, Methven provost

^s Rymer, X, 677. In 1402 the house of Gordon closed in a daughter, wedded to SETON, the real name of this noble family. So in 1660 the title of Hamilton passed to the Douglasses.

1438 of Lincluden, secretary to the king, and John Vaus esquire;
 31 Mar. and a truce of nine years was sanctioned ⁶.

If we credit the doubtful accounts which we have of this reign, Crichton had found means, probably by the superior influence of his office, as chancellor, to gain possession of the infant king, whom he retained in the castle of Edinburgh. The queen, favouring the just claim of Livingston, by a stratagem obtained, and conveyed her son to Stirling, and delivered him to the care of his legal guardian. The chancellor applied to Archibald earl of Douglas for his assistance, which was denied: Livingston invested the castle of Edinburgh; but he and the chancellor agreeing to join against Douglas, concord was restored ⁷.

There cannot be a stronger proof of the ignorance of our earlier writers, concerning this reign, than their assertion that the powerful earl of Douglas was neglected, while it is known, from authentic records, that he held the high office of lieutenant general of the kingdom, and even summoned a parliament ⁸. In another national assembly it was ordered that the lord lieutenant, and the king's chosen council, should hold two sessions yearly for the administration of justice: and that the lord lieutenant should seize any rebels, or despoilers, lodged in castles, or strongholds, and enforce them to find surety for their good behaviour ⁹. But Archibald earl of Douglas died this year; and was succeeded by his son, a youth whose years

27 Nov.

1439

13 Mar.

⁶ Rymer, X, 679, 688. Rymer erroneously supposes the murder of James I to have happened between the commissions of September and November; a strange mistake, as any Scottish history might have shewn that it happened in lent.

⁷ Boyce, lib. XVIII, init. Lindsay's translation, p. 5—11, Edit. Edin. 1778, 8vo.

⁸ Aberc. II, 319, from ms. records.

⁹ Acts, f. v. 26.

did not exceed fourteen, and were too immature to support ¹⁴³⁹ the dignities of his father¹.

Meantime petty feuds and commotions destroyed the public peace and welfare: the flood of aristocratic tyranny and violence, which had been confined by the stern government of James I, burst the temporary barriers, and deluged the country.

Joanna, the queen-mother, married Sir James Stuart, commonly called the Black knight of Lorn: the barbarism of the age rendering it unsafe for a woman of rank to remain without the protection of a warlike husband. But Sir James Stuart being a friend to the family of Douglas, as is said, Livingston confined him, and his elder brother, and even the queen, till they engaged not to support the house of Douglas. The fruit ¹⁴⁴⁰ of Livingston's insolence was that the chancellor, by another stratagem, recovered the possession of the king's person, and conveyed him to Edinburgh. But, by the mediation of friends, a lasting agreement was at length formed between them; and the king was committed to Livingston's care, as ordered by his deceased father².

¹ Boyce and Lindsay date the death of Douglas in 1439. His epitaph, Hume's Dougl. I, 267, bears that he died the 26th June 1438: but three original deeds confute this date, Aberc. II, 319, and shew that for M.CCCC.XXXVIII (1439) Hume read 1438; or, as not unfrequent, an erroneous date might occur in an epitaph, if placed long after the event.

² Boyce, lib. XVIII. Lindsay's translation, 13—24. The imprisonment of the queen is evidenced by a charter, to Alexander Napier, comptroller, for his service to the queen-mother, to the king, and the recompence of a hurt in his body, at the time of the traitorous betraying and imprisonment of the said queen, by Alexander Livingston, knight. The lands granted are those of Philde in the lordship of Methven, and sheriffdom of Perth, in the king's hands by the forfeiture of the said Alexander Livingston, to be held blanch for a silver penny: 7 March 1449-50. Scotst. Cal. sub data.

However

1440

2 Aug.

However this be, it is certain that a parliament was held at Stirling³, in which it was decreed that the privileges of the clergy should be observed: that the administrators of justice should hold their sessions twice a year: and, by a remarkable act, that “the king should ride through the realm, immediately upon intelligence being sent to his council, wherever any rebellion, slaughter, burning, robbery, outrage, or theft, happened; to call the sheriff of the shire, wherein the crime was committed, before him, and before he leaves the shire to remedy the mischief and punish the offenders; in the execution of which ordinance all the barons, with one assent, are obliged to assist⁴.” In this singular decree we find the legislative body regarding the king in the modern light of a chief magistrate, bound equally with the meanest subject to an obedience to the laws: yet it may be suspected that this new style, used by the parliament, flowed from temporary circumstances, and not from fixed principles of the constitution; the nonage of the king evidently pointing the act to those who had the custody of his person, as implying that the sovereign was not to be the prisoner of an individual, but the free inspector of his kingdom at large.

The power of the house of Douglas had arisen to a formidable height, and was during this reign to contend with the royal authority. Galloway, Annandale, and other extensive territories in Scotland, the duchy of Touraine and lordship of Longueville in France, rendered to the chief of that family revenues perhaps equivalent to those of the Scottish monarch. The young earl, now in his sixteenth year, possessed the impetuous spirit, and haughtiness, natural to his age and fortunes.

³ Acts, f. v. 26.⁴ Ibid. c. 5.

His

His highest title, that of duke of Touraine⁵, which a weak regency had permitted the house to assume, and which impolicy had not applied to the French king to discontinue, emboldened the Douglas to regard himself as a foreign prince, independent of the laws of his country. The prudence of age might have induced a concealment of pomp, and power, from the fear of envy, and danger; but, in the arrogance of youth, William earl of Douglas displayed a constant train of one thousand horse, and a dazzling magnificence in his household; nay he would even create knights, and hold courts in imitation of parliaments⁶.

The chancellor, who, by his office, was chiefly charged to see the due execution of the laws, was irritated at the insults offered to them by the power of Douglas. Instead of bearing with the young earl's insolence, in the hopes that a few years would infuse moderation and prudence into his conduct; instead of secretly using the king's influence with the court of France, that the foreign titles and possessions might be withdrawn from the family, Crichton resolved to cut off the earl, and his brother; a measure which might perhaps have admitted some apology, had they been advanced to maturer age, for it seems strictly equitable that an oppressor, who is above the procedure of justice, may be sacrificed to the laws, without any procedure of justice; but which, while we consider the tender age of the offenders, must be pronounced unjust, murderous, and tyrannical. Nay when the consequences are

⁵ This title was proudly borne in Scotland. Margaret duchess of Touraine, countess of Douglas and Longueville, occurs in two charters about this time. *Scott. Cal. Harl.* 4620 (unpaged, but beg. J. II.) She was the king's aunt, the widow of Archibald first duke of Touraine, slain in 1424.

⁶ Boyce, lib. XVIII. Lindsay's transl. p. 13.

1440 seen, this act will appear weak and impolitic, and will incur the bitterest charge of depravity, that of ineffectual guilt.

By plausible invitations, and flatteries, William earl of Douglas, his brother David, and Malcom Fleming of Cumbernauld, a faithful adherent of the family, were inveigled into the castle of Edinburgh, and after an insidious entertainment, and a brief and delusory trial, were beheaded⁷. The earldom of Douglas fell to the next male heir, James lord of Abercorn, surnamed the Gros, a prudent and peaceable man, but who unfortunately enjoyed his title only two years, and left a turbulent son William, the third of that name: the unentailed estates of Galloway, Wigton, Balvenie, Ormond, and Annandale, were inherited by Margaret, sister of the murdered earl, commonly called The Fair Maid of Galloway, who wedded her cousin the third William, thereby restoring the house of Douglas to all its power⁸. The want of wisdom in the government, upon this occasion, exceeds belief; but it is easier to commit a murder, than to perform an action of common prudence, and crime ought never to infer ability. Margaret was apparently a ward of the crown; at any rate the new earl

⁷ Cont. of Bowar, 518, (and Bowar, 490, note.) Chron. end of Winton. Mair, 322. Among the fables of Boyce, and all becomes fable in his hands, is the tale of the bull's head, presented before Douglas as a symbol of death. Such a signal were absurd in itself, and the height of impolicy. As Boyce connects the Scots with the Egyptians, &c. this symbol may perhaps be traced in some ancient author: at present it suffices to say that it was unknown to Scottish history and manners.

⁸ Yet James the Gros held these titles, or his epitaph is again erroneous. Hume Dougl. I, 295. In a charter of 1440 he is specially called earl of Anendale, and lord Balveny. Scott. Cal. Wigton and Ormond do not appear, and may have been unentailed. If James had Galloway, &c. why did they not pass to his son? Beatrix, wife of James the Gros, is, by some writers, confounded with the fair maid of Galloway.

William,

William, and the heirefs, were within the degrees of consanguinity, and he was forced to apply secretly to the pope for a dispensation, which not arriving so speedily as he hoped he married her on Good Friday, in the time of Lent, a day and period esteemed as unlawful as the marriage⁹. The opposition to this connection ought to have been cogent, the pretexts for annulling it were just: but for this unaccountable neglect the regency, the nation, the king, were afterwards sufficiently to suffer.

An embassy arrived from Bretagne, to propose a marriage between Francis count de Montfort, son and heir of John V surnamed the Good and Wise, and Isabella of Scotland sister to the king¹. The proposals were favourably heard; and Sir George Crichton admiral of Scotland², Foulis archdeacon of St. Andrews, and William Monipeny esquire, who was afterwards

⁹ Boyce, lib. XVIII. Lindsay's transl. 30. Hume's Dougl. I, 293, 294. Yet the fact is doubtful. She seems to have been very young, and only affianced; for in Feb. 1449-50, appears a grant of her marriage to earl William, Scott. Cal. and published in Hay's Vindication of El. More, p. 66.

¹ Lobineau Hist. de Bret. Paris 1707, folio, p. 619. On this occasion Lobineau relates, after Argentré, that on the return of his envoys, Hingant and Pencoedic, duke John V asking their opinion of the lady, they answered that she was beautiful, of elegant shape and blooming health, but spoke little, apparently not from discretion but great simplicity. The duke's noted reply was, "Chers amis, je vous prie retournez en Ecosse, et me l'amenez; elle est telle que je la desire. Ces grandes subtilités en une femme nuisent plus qu'elles ne servent; je n'en veux point d'autre. Par Saint Nicolas j'estime une femme assez sage, quand elle fait mettre difference entre la chemise et le pourpoint de son mari." Lobineau gives her portrait from an original in the cathedral church of Vannes.

² Lobineau, as usual with the French, corrupts his name to Trethon. He was perhaps the second son of the chancellor, and is, it is believed, the first admiral of Scotland on record, though "the admirals of the Scottish king" be mentioned in the truce of 1429. Rymer, X, 482. Crichton appears as admiral of Scotland

1441 wards employed in many negotiations, proceeded to Bretagne
 19 July to complete the transaction. It was soon after settled that James should pay with his sister a portion of one hundred thousand *saluts* of gold; and the duke of Bretagne agreed to a dower of six thousand livres³. Her voyage was, from unknown causes, delayed till the following year.

1442 The truce with England, which would have expired in 1447, was, by anticipation, extended for seven years longer, till the first day of May 1454⁴. Isabella sister to the king
 Nov. proceeded to Bretagne, where she was wedded to the new duke Francis I⁵.

1443 Sir William Ruthven, sheriff of Perth, conveying an high-land freebooter to justice, was attacked by a body of Athole men, led by one Gormac, but by the spirit of Ruthven, and some gentlemen in his company, the assailants were defeated,
 4 Nov. and about thirty slain⁶. A parliament was held at Stirling: of its proceedings we only know that an act was passed, to secure the property of the church against despoilers⁷. Some doubts having arisen concerning the succession to the important

Scotland in a charter of 1 April 1450: in Feb. 1451 he is styled George Crichton of Cairns, admiral of Scotland. On the 8th July 1452 he is earl of Caithness. Scotst. Cal. The title had passed to the crown on the forfeiture of Athole; and on the death of Crichton was conferred on the Sinclairs of Orkney. Suth. Case, c. iv, p. 44, 45.

³ Lobineau, ib. The salut might be worth 10s. The livre was then about one ounce of silver, and perhaps equal to two pounds of modern estimation.

⁴ Rymer, XI, 4.

⁵ John V had died on the 28 Aug. 1442. Isabel landed at the castle of Aurai 30 Oct. with a great train of Scottish lords and ladies. Lob. I, 621.

⁶ Boyce, lib. XVIII. Lindsay's transl. 30, 31.

⁷ Acts, f. 27. Of this year appear to be the answers to the articles of the Scottish king, Vesp. F. VII, f. 59, for they mention that the Scottish parliament was to meet 4 Nov. They chiefly concern the payment of 40,000 marks, due for the ransom of James I.

earldom

earldom of Orkney, Thomas of Tholac, the bishop, made a ¹⁴⁴³ formal report on the subject to Christopher III, king of Denmark Sweden and Norway, in which the right of the house of Sinclair is evinced³.

The king now approached his fourteenth year, when, by ¹⁴⁴⁴ the usage of most kingdoms, he was regarded as capable of managing his affairs: the perturbation of a minority, flattery, and the danger of opposing the royal will, as soon as the slightest degree of manly thought appears, concurring to suppose in princes, whose station is the most difficult, a far more early discretion than is to be found in the common ranks of mankind. That reign must indeed be very weak, which transcends not the inefficacy, and disturbances of a regency. By the common course of human affairs, the young king detested the control of Livingston and Crichton; and the numerous friends of the house of Douglas were successful in sharpening his resentment against those stern guardians, who had held him in captivity, and in turning his affections to the earl of Douglas, whose youth was more congenial with that of the king, and whose power could irresistibly enforce the royal designs. It is said that Galbraith, a partisan of Douglas, having slain Semple deputy governor of Dunbarton castle, and seized the whole command of that fortress, Douglas became anxious for the event, and proceeding to the king's presence, put himself wholly in the power of James, with professions and oaths of the humblest fidelity: and that the monarch, delighted with his submission and behaviour, admitted him to his

This valuable diploma is printed in Wallace's Orkneys, and in the Orkneyinga Saga: and is one of the most curious historical pieces of that dark period. The transcriber has, by a common error, omitted *quadragesimo* after *quadringentesimo*, whence the date 1403: but the real epoch is clear from the contents.

most

1444 most chosen counsels⁹. However this be, it is certain that the office of chancellor was now taken from Crichton, and conferred upon James Bruce bishop of Dunkeld¹. Crichton shut himself up in the castle of Edinburgh, of which he had been governor since the late reign, with a resolution to defend himself against the violence of his enemies: and Livingston, who was less obnoxious, either by office or crimes, held the castle of Stirling. Douglas used his new power with an excess, dangerous to the king, and to himself. In a short time all the followers of the late administration were displaced, and successors devoted to the present ministry were appointed: three brothers of Douglas soon became peers². Archibald, by marrying the younger daughter of James Dunbar, earl of Moray, acquired that title and estate, upon the death of his father-in-law, to the prejudice of the chancellor's eldest son James, who had wedded the elder daughter³. Hugh was created earl of Ormond; and John lord of Balveny⁴. This accession of power to a family, before too potent, was the height of impolicy, and could only be granted by a youth to a favourite.

1445 Douglas procured a parliament to be held, in which Crichton and Livingston were denounced rebels, and their estates

⁹ Boyce, lib. XVIII. Lindsay's transl. 31.

¹ Crawf. Off. 32, from a charter. Keith Bishops, 54, from another.

² James and Archibald were twin brothers of the second birth. The former was the first born, but was in the church, (see Drummond 50.) He was however afterwards to become earl of Douglas.

³ Crawf. Off. 311. His peerage, and that by Douglas, under the title.

⁴ Peerages. The lands were before in the family. Ormond was erected into a marquissate by James III for his younger son. Suth. Case, ch. IV, p. 57, whence it appears that Ormond was a hill, (probably an ancient moot-hill or court of justice,) in Ardmanach on the east of Ross-shire. Yet there is a village of the name, two miles west of the chanonry of Ross. Pont's Maps.

forfeited.

forfeited. The castle of Crichton was taken, and destroyed; ¹⁴⁴⁵ and, in revenge, the late chancellor made excursions from the castle of Edinburgh, and ravaged the lands in Lothian belonging to Douglas. The kingdom fell into complete anarchy, and became one scene of violence and disorder⁵.

James was induced to besiege the castle of Edinburgh, which was bravely defended by Crichton⁶, who had indeed no reason to regard the royal army but as that of Douglas. The siege was turned into a blockade, and continued till the next year.

Eleanor and Jane, the two unmarried sisters of James, proceeded to France, to their sister the dauphiness, apparently on the death of the queen-mother⁷; for Scotland was in a state of lawless confusion; and there was reason for apprehension, that Douglas would convert the princely bridals into a further accession of power to his family. Upon their arrival, they found the dauphiness dead⁸: but the French monarch received them 16 Aug. with

⁵ Boyce, lib. XVIII. Lindsay's transl. 33, 34. It is certain that a parliament was held in July 1445, and passed an act ordaining that all the lands and effects of the late king should be enjoyed by the present during his minority, (Acts, f. 27;) a statute probably pointing at Crichton and Livingston.

⁶ Cont. of Bowar, 519. Mair, 322.

⁷ Perhaps after her death, (Berry, 158,) the precise date of which is unfixed: but it certainly happened before 24th Nov. 1445, of which date there is a safe conduct to James Stuart the husband of the deceased queen of Scotland. Rymer, XI, 107.

⁸ Berry hist. de Charles VII, (published with the works of Alain Chartier, Paris 1617, 4to.) p. 158, "elle étoit belle et bonne femme." Duclos hist. de Louis XI, I, 57. She was only in her twenty-second year, and was buried at Chalons.

The singular fate of this princess may excuse a digressive note, from the original materials furnished by Duclos, III, 26—61, being the informations taken in Oct. 1445, and in 1446, concerning the cause of her death. These informations purport that certain words spoken by the malicious Jamet de Tilly,

1445 with great affection, and demanded a dispensation for marrying the elder to the dauphin, which being refused by the pope, she lay, an officer of the dauphin, had penetrated so deeply the tender and melancholy heart of Margaret, as to occasion her death. Their truth she denied on the perdition of her soul; but she would recline on her sofa, and exclaim, Ah Jamet! Jamet! you have gained your purpose. If I die it is on your account, on account of the fair words you have spoken of me, without cause or reason. At other times she would say, May I die if I ever wronged my husband! The seneschal of Poitou, present when the latter expression escaped, exclaimed, False and wicked scoundrel, she dies by your malice! On her death-bed her confessor could hardly persuade her to pardon Jamet: and she cried out, Now he has gained his purpose. The words, she said, were the worst that could be pronounced of a woman, and tended to ruin her in the opinion of the dauphin. Almost her last expression was, Were it not for my conjugal faith, I should repent that I had ever come to France.

On the second examination in 1446, May—Aug. Jamet de Tillay was twice questioned; and the queen of France herself gave a deposition. Tillay confessed that, on entering the chamber of the dauphiness in the dusk of the evening, and perceiving no lights, he said it was *grande paillardie* in the officers to shew such negligence; denied that he accused lady Pregente of managing Margaret's amours, as he would not wish more chastity in his own wife, than he was persuaded belonged to the dauphiness; and he offered the duel to any man who would say that he had arraigned her honour: denied that he asserted that Margaret's illness arose from love, while he only said that it proceeded from her sitting up all night, making rondeaux and ballads, (44, 52;) and that she would never have a child while she was so fond of sour apples and vinegar. He denied that he said the dauphin did not love his wife because "*les basses marches ne se portoient pas bien.*" The queen's deposition proves Tillay to have been a malicious meddling fellow, capable of any falsehood. His second examination bears that Margaret would compose twelve rondeaux in a day; that she sometimes was laced too tight, at other times too loose. The fatal words at length appear to have been "*Avez vous point vu cette dame-la? Elle a mieux maniere d'une paillarde que d'une grande maitresse.*" "Have you seen that lady? She has more the appearance of a harlot than of a great princess." He denied that he had said them, and offered the duel; asserting that no lady could have more of the appearance of high birth. But the words were confirmed by another witness, p. 59.

On

she was many years after wedded to Sigismund duke of Austria: and Jane returned to her own country⁹. The queen-
 mother who died this year, left three sons by her second husband, John, and James, afterwards earls of Athole, and Buchan; and Andrew, who became bishop of Moray¹. 1445

Meanwhile the disorders of the country encreased, under the mismanagement of Douglas, and caused even the regency of Crichton and Livingston to be regretted. Among the petty feuds, commemorated in our dubious annals, a discord of more importance is introduced. A dispute arising between Lindsay son of the earl of Crawford, and Ogilby of Innerquharity, the former was joined by his father, the latter by the earl of Huntley, and a desperate conflict ensued. Crawford, Huntley, and Ogilby, were slain, with many other gentlemen, and near two hundred of their followers².

Crichton at length surrendered the castle of Edinburgh, upon terms highly advantageous to himself, for his estates, and honours, and even his office, were to be restored; and the conditions were strictly adhered to³. 1446

On the whole Margaret was too fond of poetry, and her adventure with Alain Chartier is well known; she was too careless of her person and manners, and had perhaps a secret blemish which disgusted the dauphin. But the character of her husband, afterwards Louis XI, is of black malignity; and her accuser was proved to be a "scoundrel" and "common liar," qualities which doubtless recommended him to the special protection of Louis.

⁹ Duclos, I, 57. Roo Ann. Aust. 399. Jane was wedded to Angus. Crawf. Stuarts, 36.

¹ Berry, 158. Stewarts Gen. 171. Lesley, 298, says she died 15 July 1446.

² Boyce, lib. XVIII. Lindsay's transl. 34—36. Lesley, 297, dates this conflict 13 Jan. 1445—6.

³ Lindsay, p. 37. Crawf. Off. 30, supposes, with great probability, that Crichton was not reinstated in the office of chancellor, till the death of bishop Bruce 1447. In 1448 he appears as chancellor in an instrument. ms. Leagues, Fr. and S. and du Tillet, f. 140.

1446 } pear to have induced the king and Douglas to such concessions: it was probably now discovered by both that the aged experience, and abilities, of Crichton were necessary to give some stability, and order, to government, and restore greater respect to the laws. Douglas seems to have found that, by grasping all, he would lose all; and that the accession of Crichton's talents, and fame, would much strengthen the power of his administration. It also appears that Crichton had never been cordially united with Livingston, but had from necessity only consented to concord; and now when the death of the queen-mother had left Livingston destitute of strong influence, he ungenerously made his peace with Douglas, by the sacrifice of his colleague. It has surprised some that Douglas satiated his revenge upon Livingston and his family, who were innocent of the murder of his two relations; and that Crichton was never charged with that assassination: but it is reasonable to infer that there were powerful motives for this conduct; the king himself had been present at the murder, and in the jealousy of his authority might consider it as a matter rather too delicate for discussion; Douglas might have had little inclination to condemn an action, which laid the foundation of his power; and the intention of which was perhaps not unknown to his father, who might otherwise have immediately instigated the whole force of the house of Douglas against the government⁴.

The earl of Douglas was, about this time, created lieutenant general of the kingdom⁵; an office of extreme power, which had been held by one of his predecessors at the commencement

⁴ Yet the violence of Livingston to the queen in 1439, (see a note on that year,) indicates the tyranny of his character; and he might be the chief-instigator of the assassination of the Douglases.

⁵ Abercr. II, 333. The Acts, f. 28, mention a lord lieutenant in 1449.

of this reign. He now resolved upon the perdition of the family of Livingston, which had only done its duty to the king and kingdom, by opposing the exorbitant influence of the house of Douglas. Accordingly Sir Alexander Livingston, formerly keeper of the king's person, James his eldest son, Robert and David Livingstons, and Sir James Dundas, and Sir Robert Bruce, connected with the family, were committed to several prisons: but Sir Alexander, and the two other knights, Dundas, and Bruce, were delivered upon paying large sums of money: the others were tried and beheaded⁶. 1446
Dec.

Although the truce with England had, in 1442, been continued from 1447, when it was otherwise to expire, till 1454, yet the English borderers, knowing the confusion into which the maladministration of Douglas had plunged Scotland, resolved to avail themselves of the occasion. The faintly imbecility of Henry VI, and the cabals of the queen's party, and that of the duke of Gloucester, distracted the government, and rendered the subjects unruly and disaffected. Several inroads of the borderers took place this year; in which, as is said, Dumfries on the one part, and Alnwick on the other, were burnt⁷. 1447

Ravages

⁶ Boyce, lib. XVIII. Lindsay's transl. 38, 39. It is surprising that there is no superior authority for these events: but Livingston's forfeiture is mentioned in the charter of 1450, narrated in the notes to 1439; and that of James his son, Robert *burgess of Lithgow*, and James Dundas, in a charter 22 May 1450. Scotst. Cal. Yet Crawf. Off. 312, and Dougl. Peer. 412, seem to evince that James Livingston was not executed. Boyce calls this eldest son Alexander.

In 1446 Dunbar castle was seized by Patrick Hepburn, a rebel, as appears from a catalogue of the Coldingham charters now at Durham, in bibl. Harl. 4623.

⁷ Boyce, lib. XVIII. Lindsay, 40, adds Alnwick.

1448

Ravages of such importance called greater powers into action; and the battle of Sark, so called from a river in Annandale, terminated the difference in a manner advantageous to the Scots. Unfortunately we have no English, nor Scottish contemporary account of this battle, the only one which occurs between the nations for a long period of time. When at the distance of near a century we find records of this action, the English pass it in complete silence, and the Scots too much swell their victory. The accounts of Jean Chartier, and Monstrelet, seem to deserve the preference; but even there the numbers appear to be exaggerated. According to the French historians, the English, to the number of fifteen thousand, conducted by the earl of Huntingdon and lord Percy, apparently wardens of the marches, entered Scotland by the western border, and advanced six miles into the country. The earl of Douglas hastily advanced, with only six thousand, attacked the enemy in the open field; conquered, and took the two generals captives. Upon the tidings of this defeat, the earl of Salisbury, who was lord lieutenant of the north of England, raised an army of sixty thousand, and sent this formidable force to invade Scotland. Douglas, and his brother Ormond, with thirty-two thousand men, attacked the English by surprise, and put them to a total route; with the incredible loss of between twenty and twenty-four thousand, taken and

Hay, in his *Vindication of Elizabeth More*, Edin. 1723, 4to, has published, p. 65—73, a curious paper of 25 Aug. 1447, determining the priority of birth to James Douglas above his twin-brother Archibald earl of Murray.

About this time died Cameron bishop of Glasgow, who is distinguished by impiety in the fictions of Boyce. His curious canons, 1432, may be found in ms. Harl. 4631, Vol. I, p. 47; and his great crime seems to have been his severity in church discipline.

slain.

slain. The Scots then entered England, and ravaged the country as far as Newcastle⁸. 1448

⁸ The reader will in vain consult the English historians for this battle, the only one of importance, from that of Halidon 1402 to that of Flodden 1513. Harding, Caxton, Julian Notary, Fabian, Hall, Leland, Coll. 1, 494, even the copious Holinshed, are equally silent. But the English history, 1422—1509, is very defective.

Monstrelet, III, f. 8, edit. 1518, derives his account from the great chronicle of St. Denis; and says that three Scottish priests of the diocese of Dunblane, related it upon oath before the chronicler of France at St. Denis. He dates it 1449; but the truces of that year, and the silence of Rymer in 1448, support the date commonly assigned by our historians. The battle of Sark also occurs, Cont. of Bowar, 519; and the war between England and Scotland in Jean Chartier, p. 142, who, p. 146, narrates the battle of Sark in the same way with Monstrelet, but with many corroborative circumstances. For Huntingdon he seems rightly to put Sir Thomas Harrington. Jean Chartier was himself *Chantre* of St. Denis. Add that the chronicle of Zanziet of Liege, who wrote in 1461, bears at 1450 that the Scots invaded England, and took great prey, but he dates this the same year that James wedded Mary of Gelder: col. 471, in Martene's *Anecdota*.

Among the unpublished pieces of Rymer, N° 4610, there are some articles tending to confirm this war. Art. 14, 3 Feb. 1449, is a commission to Clifford, Scrope, &c. on march affairs, mentioning the *malicious purpose* of the Scots; *Salisbury* was warden of the western marches. Art. 15, same date, same effect; the Scots are ill-disposed to England, and annoy the marches: Henry excuses the nonattendance of these peers in the parliament to meet 12th Feb. (1449, Parl. Hist. II, 250.) Art. 9, 8 July 1449, is a commission to the bishop of Chichester, and lord Beaumont, to treat for *abstinence of war*, or a truce. Art. 10 to same effect, 27 Aug. 1449.

Lesley, 301, dates the battle of Sark, 1450. The Magnus with the red mane of the fabulous Boyce is Magnus Redmain, a common English name on the borders, from the reign of Henry IV. Sir Richard Redmain is mentioned in truces of that reign, Vesp. F. VII, f. 93 and 95, n. 1. In a French history of Scotland, Vesp. C. XVI, f. 41 seq. he is ludicrously called *Barberouffe le Grand*.

Add that in 1448 Douglas issued severe statutes for the regulation of the borders, probably occasioned by war. See these curious statutes of Lincluden, Titus, F. XIII, f. v. 39, and in the Appendix.

Sir

1448 Sir William Crichton, chancellor of Scotland, John Railf-
 ton bishop of Dunkeld secretary, and keeper of the privy seal,
 and Nicholas Ottirburn official of Lothian, had passed on a
 solemn embassy to France and Burgundy. The grand objects
 of their mission were, to renew the alliance with France; and
 to discover a proper bride for James now in his eighteenth
 year. The league between France and Scotland was accord-
 31 Dec. ingly repeated in the most solemn and ample form, and with
 a confirmation of all the preceding treaties, since that of
 Charles the Fair and Robert I., in the year 1326⁹.

1449 As the court of France then presented no suitable wife for
 the Scottish king, the ambassadors proceeded to that of Bur-
 gundy. Philip the Good, who ruled that potent duchy, or
 rather kingdom, with celebrated wisdom and splendor, had in
 1430, as above narrated, concluded a commercial treaty with
 Scotland for one hundred years. He recommended to the
 ambassadors his kinswoman Mary, daughter of Arnold duke of
 Gelderland, as a lady worthy of the hand of their sovereign¹.

This matrimonial engagement was accordingly entered
 upon, in the presence of envoys from France, then in strict
 1 April alliance with Burgundy. The treaty was concluded at Brus-
 sels; and bore that Philip should pay at Bruges in the course
 of two years sixty thousand crowns of gold, as the portion of
 the bride. James enfeoffed Mary in Strathern, Athole, Meth-
 ven, Linlithgow, and other lands for the payment of a dower

⁹ Du Tillet, f. 140. The commission of James is dated 6 May 1448, r. 12.

¹ Treaty James and Philip, 1 April 1449, ms. Harl. Vol. III, f. v. 6; where it is mentioned that the envoys found Mary, "jam nubilem et formosam;" and that they returned to France to consult Charles VII, who sent with them ambassadors to expedite the marriage.

Arnold of Egmont became duke of Gelder in 1423, and died in 1468. His son Adolf having rebelled against him, he left his territories to Charles the Bold duke of Burgundy. Miræi Chron. Belg. Antv. 1636, folio, p. 304.

of ten thousand crowns, in case of his previous decease; and ¹⁴⁴⁹ he relinquished all the hereditary claims of his wife, in case her father left a male heir. On the same day a perpetual league of mutual defence was concluded with Philip, in which the duke of Gelderland was comprehended².

During the negotiation reciprocal intercourse, and festivity, occupied the courts of Scotland and Burgundy. A Burgundian historian describes at great length a tournament celebrated, in the time of lent, at Stirling in the presence of the Scottish king, the judge and rewarder of the combat. Two Burgundians of the noble house of Lalain, and a third styled the squire Melyades, challenged two of the Douglasses, and Halket, to fight with the lance, battle-ax, sword and dagger. After a festival of some days, the combatants entered the lists, clothed in velvet, and proceeded to their pavilions to arm; the earl of Douglas himself, attended by not less than about five thousand followers, accompanying the Scottish champions. After having been solemnly knighted by the king, the parties engaged: the spears were soon thrown away: one of the Douglasses was felled by a battle-ax, and the combat becoming unequal, the king threw down his baton, the signal of its termination³.

As

² Treaties James and Philip ms. Harl. 4637, Vol. III, f. v. 6, and f. 11. In Dec. 1449 the dukes of Bretagne and Austria are joined in the ratification of the treaties with France and Burgundy. Scotst. Cal.

³ De Coucy, p. 567. His curious and interesting annals of a few years are published by Godefroy, at the end of the history of Jean Chartier, Paris 1661, folio. He seems to have been engaged in the negotiations, and to have accompanied Mary of Gelder to Scotland. For this combat compare Cont. of Bowar, 519, who mentions the champions, James Douglas brother of the earl, (a circumstance which, with others, occasions great doubt of his having been a churchman,) James Douglas brother of Lochleven, and John Ross of Halket.

Jaques

1449

June

As the lady had been educated in the court of Philip, he defrayed, with his accustomed magnificence, the nuptial preparations on her side. The lord of Vere in Zealand, whose son had before this period married a sister of James, was appointed to conduct the bride; who with many tears took leave of the duke, and his son the count de Charolois. Coasting, not without terror, along the inimical English shore, on the sixth day Scotland arose to their eager eyes; and they anchored near the isle of May, where then stood a hermitage and a chapel sacred to St. Andrew. Having paid her devotions, the queen proceeded to Leith, where she was met by many nobles, and a concourse of all ranks of people, who to the polished Burgundians appeared almost barbarians. Seated on horseback behind the lord of Vere, Mary advanced to Edinburgh, where she was lodged in the convent of the jacobins or gray-friars. After the refreshment of the following day, the king visited her at midnight, and remained three hours. In the course of a week her nuptials, and coronation, were celebrated with much barbaric pomp⁴.

Jaques Lalain was one of the most celebrated knights in Europe. Olivier de la Marche is full of his praise. The Scottish tourney he describes, p. 271. Herué de Meriadet was a squire of Bretagne, p. 265. Lalain was killed by a cannon-ball in 1453, p. 394. The family seat was in Hainault.

⁴ De Coucy, 574, seq. The more minute parts, illustrative of manners and customs, are reserved for that department. In the barrenness of materials, for the reign of James II, the information of that writer is invaluable, and yet has been unknown to all our historians!

The numerous bishops and nobles, accompanying Mary in Boyce's deceitful page, f. 366, Lindsay's transl. 38, are quite unknown to this honest contemporary. From the first page to the last Boyce is equally a fabulist.

Consult also Olivier de la Marche, who however briefly mentions the marriage of Mary of Gelder to James, "un moult beau et plaissant chevalier, jeune et vertueux roy; et fut celuy qui avoit la moitié du visage rouge."

The

The victories of Douglas had afforded little compensation ¹⁴⁴⁹ to Scotland for his tyranny and oppression, which seemed to increase in proportion to the continuance of his power. For him, and his followers, there was no law, and the country groaned under the most destructive anarchy. But the six heavy years of his authority were soon to expire; and different circumstances were already preparing to lessen his influence. The charms and sense of the queen began to infuse a more manly character into her husband, to arouse him from his lethargy, and to form a party capable of undermining the odious power of Douglas.

James II may now be said to have assumed a permanent character, of which the delineation shall be here attempted, as far as barren and scanty materials will admit. His actions proclaim him a prince of decisive, and sometimes even violent, spirit. In war he was a valiant and popular leader; and surpassed his father in a marked attention to military discipline. Negligent of pomp, the equal of every soldier, he shared the mean repast of the march, confident that poison is seldom administered in vessels of wood, reposing absolute faith in the love of his people^s. The power of his abilities, the excellence of his intentions in peace, are best displayed by the laws of his reign, always the most instructive and valuable portion of history. His wisdom appears conspicuous, in his reverence for the counsels of the wise, in guiding his most important actions by the experience of Crichton, and the benign and patriotic prudence of Kennedy. The perdition of the aristocratic and tyrannic house of Douglas was to be a spirited exertion of justice to himself, and to his people. But that any fixed plan yet existed, for the destruction of the aristocracy, seems a refined theory, incongruous with the ignorance and spirit

^s Mair, 326.

1449 and manners of the times; and is best confuted by the plain facts, that the families abased are ever remarkable for important crimes, and that the property, and power, which were withdrawn from one house, were ever to be bestowed on another. Even when Louis XI, and Henry VII, were, towards the termination of this century, in countries of greater civilization, and political science, to humble the aristocracy, an unprejudiced reader will be ready to infer that the events proceed rather from chance, and circumstances, and the rotation of society, than from design. As to the person of the second James, we only know, that it was robust; and that a red tinge, which deformed one of his cheeks, gave him the vulgar appellation of James with the fiery face⁶.

The truce with England had been, in May, renewed for a very short time; and among the commissioners named to prolong it, in September, we find Livingston, who had been again taken into favour, and appointed justiciary of Scotland: a circumstance which appears to present a proof that the influence of Douglas was much on the decline. At length, in November, a truce of a new and singular complexion was ratified, bearing no certain term, but that either monarch might violate it, when he pleased, upon giving a notice of one hundred and eighty days⁷.

One of the last traces of the power of Douglas occurs in the decrees of a parliament, held at Edinburgh, this year, and

⁶ Mair, 322. "James with the red cheek, or with the fire in his face." Chronicle end of Winton, ms. Reg. 17DXX.

⁷ Rymer, XI, 229, 231, 235, 247. Sir Alex. Livingston of Calendar, justiciary of Scotland, occurs p. 235. The paper concerning Berwick and Roxburgh, 14 Nov. 1449, p. 244, is a curious specimen of language. In June 1450 Dr. Methven had a safe conduct as envoy from James. Rymer's Unp. Papers, 4610, art. 49.

probably

probably in the early part of it. The sheriffs are therein or- 1449
 dered to cause restitution be made of any stolen effects: if
 they should refuse, or be negligent, or partial, the complainant
 is to apply to the king's lieutenant, who is to punish the sheriffs
 as if they were the robbers: and they are to be treated as those
 who disobey the king's acts, given under the royal seal, and
 decreed by the lieutenant, and the three estates⁸. It would
 appear, from this ordinance, that the office of lieutenant ge-
 neral of the kingdom wanted little of being a sole regency.

This dangerous dignity certainly fell, soon after the marriage
 of the king: and Douglas retired from the court, attended
 with the execrations of the people. It is said that Sir Richard
 Colville, having suffered repeated injuries from Auchinleck,
 a follower of Douglas, thought he might now venture upon
 revenge; which he completed in the slaughter of his enemy.
 Douglas, irritated at this insult offered to his fallen power,
 ravaged the lands of Colville, besieged his castle, took it, and
 left not one inhabitant alive⁹. That age, in the true spirit of
 chivalry, praised the earl's exertion of friendship: at present
 this action appears in its real colours, as a sanguinary revenge,
 as a contempt of justice, as an insult to the laws, and to so-
 ciety; and as peculiarly disgraceful to him who had been the
 second magistrate in the kingdom.

The commencement of the king's active authority was 1450
 signalized by a memorable parliament, held at Edinburgh, in Jan.
 which a great number of salutary regulations were issued¹.
 It is ordained that a general peace be proclaimed through all

⁸ Acts, f. 28, 20 Jan. 1449, regni 13—1450. Yet this parliament, being
 distinct in the acts from that of Jan. 1449-50, seems to belong to 1449.

⁹ Boyce, lib. XVIII, Lindsay's transl. 53.

¹ Acts, f. 28—31. This may be the same with the former; but is here,
 f. v. 28, dated 19 Jan. 1449.

1450 the realm, so that all men might travel in security, without
 { any protection, save that of the king's peace; and if any sub-
 ject stand in fear of another he may have *borrowes of peace*,
 that is a pledge for his good behaviour: that just, and able,
 judges be appointed: that the justiciary shall pass twice through
 the country in the year, as ordered by the ancient laws:
 that any rebellion against the king be punished according to
 its nature, and by the advice of the three estates; and if any
 openly rebel, or make war upon the king's subjects, in defiance
 of his prohibition, the king shall advance against them with
 the whole force of the land, if necessary, and punish them
 according to their deserts. These unusual ordinances suffi-
 ciently paint the disorders, into which the bad administration
 of Douglas had thrown the kingdom. Other statutes decree,
 that if any person assist those who shall be brought to justice,
 he shall be punished equally with the transgressors: that the
 warden of the marches see that the truce be strictly observed,
 and appoint such officers as he shall answer for: that admin-
 istrators of law, who wilfully transgress, shall lose their office
 for a year, and be fined: that despoilers be compelled to make
 full, and speedy, restitution, pay all expences, and a fine to
 the king: that the justiciary or justice general, the chamber-
 lain, the coroners, and other officers obliged to travel through
 the country, have but a moderate attendance, that they may
 not annoy the people: that forestallers of corn be punished,
 and the corn forfeited to the king; and that even the pos-
 sessors of grain keep no more than is necessary for their annual
 consumption, and sell the remainder in open market at the
 current price.

Above all, one remarkable act of this parliament deserves
 attention, being conceived in the following terms. "It is
 ordained that if any man, as God forbid, commit or do treason
 against

against the king's person, or his majesty, or rise in war against him, or lay hands upon his person violently, of whatever age the king be, young, or old; or receive any that have committed treason, or that supply them with help or advice, or garrison the house of them who are convicted of treason, and hold their houses against the king, or garrison houses of their own in assistance of the king's rebels, or that assault castles, or places where the king's person shall happen to be, without the consent of the three estates, shall be punished as traitors²." This statute has occasioned altercations between the favourers of monarchy, and those who attach ideas of freedom to a parliament of the middle ages, when the only dispute lay between monarchy and aristocracy.

It was further ordained that all the regalities, in the royal possession, should be judged by the king's justiciary; and the freeholders of such regalities should appear in parliament, equally with those of the royal domains³. As many large estates had fallen to the crown, in the preceding reign, this measure seems intended to increase the king's influence in parliament: and such was the spirit of the times that, to increase the power of the sovereign, was to enlarge the freedom and happiness of the people, labouring under the worst tyranny, that of a feudal aristocracy. Other prudent statutes concern the punishment of robbery, the regulation of the coin, and the penalties of contumacy against the course of justice⁴. Such laws shine like a coruscation amid the night of barbarism; but, it is believed, imparted little of vital heat to the political atmosphere. It is easy to form good laws: the difficulty lies in the execution. The chief felicity of a nation is to have few laws, and to be accustomed to obey them.

² Acts, f. v. 30, c. 25.

³ Ibid.

⁴ Ibid. f. 29, 31.

1450 Douglas, disgusted at the loss of his power, or wishing to display his pomp in foreign countries, passed to the jubilee at Rome, with a train of six knights, fourteen gentlemen, and eighty attendants⁵. In his absence many complaints were made against the insolence of his dependents: the earl of Orkney, a nobleman of princely munificence, respectable for his talents, and patronage of letters, was sent to examine the abuses, and was insulted: the king, justly enraged, proceeded in person with a sufficient force, took the castle of Lochmaben, and demolished that of Douglas⁶. Upon his return from Rome Douglas sent a submissive message to the king; and as he could not, in equity, be reputed guilty of events which happened during his absence, and for which a sufficient punishment had been taken, he was graciously received⁷.

A com-

⁵ Cont. of Bowar, 519. Mair, 322. The number is estimated from the safe conduct, granted to him on his return by Henry VI, 12 Nov. 1450; Rymer, XI, 277. In the jubilee of 1450 innumerable people crowded to Rome; and ninety-seven were killed by the press, at the end of the bridge of St. Angelo. De Coucy, 608.

⁶ Boyce, lib. XVIII, Lindsay's transl. 55, 56. Hume's House of Douglas, I, 336—339. Doubtful, for the castle appears in 1454.

In 1456, at the instance of William Sinclair earl of Orkney and Caithness, chancellor of Scotland, Sir Gilbert Hay translated Bonet's then popular book, *L'Arbre des Batailles*, as appears from the prologue published by Dr. Mackenzie in his *Lives of Scottish Writers*. Our heralds, liberal in titles, add to Orkney that of Oldenburg, knight of the golden fleece, &c. not even knowing that Oldenburg was a title of the royal house of Denmark, and inalienable. The other additions are as false. See the lists of the knights of the fleece in Guicciardini, descr. de Paesi Bassi.

⁷ Boyce, lib. XVIII, Lindsay's transl. 57. Hume's Dougl. I, 339; who erroneously adds that he was again appointed lieutenant general of the kingdom, a title no longer to be found in this reign.

Under this year 1450 appear many curious charters, illustrative of history, in Scotstarvet's Calendars. The queen's endowed lands confirmed in parliament,

22 Jan.

A commission was granted by James to Douglas, and other ¹⁴⁵¹embassadors, to confer with those of England, concerning any ^{April}breaches of the truce⁸. But the earl certainly did not deserve this confidence, being engaged in a secret plan of revenge against his sovereign; and in the following month he obtained from the English court a protection for himself, his three brothers, twenty-six gentlemen, and sixty-seven attendants⁹; the chief persons, therein mentioned, afterwards following the house of Douglas in their revolt. Other plenipotentiaries were ^{14 Aug.}nominated, who adjusted a truce of three years¹.

In a parliament, held at Stirling, a long series of regulations ^{25 Oct.}was made concerning the coin, in which a laudable attention is shewn to its purity, and regular currency².

Meanwhile Douglas proceeded in his disorderly, and treasonable, practices. He attempted, as is said, to assassinate

22 Jan.—Permission to bishops to make testaments, and dispose of moveables,
24 Jan.—Lands to George Crichton of Cairns, admiral of Scotland, 1 April—
Permission to William earl of Douglas to erect Strathaven into a burgh of barony, 23 April—Confirmation of a grant by Campbell of Lochaw, (ancestor of Argyle,) to the collegiate church of Kilmune in Cowal, 12 May 1. 14—Grant to earl Douglas of lands of Culter, forfeited by James Livingston, &c. 22 May.—To William lord Crichton, chancellor, of the lands of Castellaw, Lothian, to recompense the sum of 1800*l.* expended on the king's house, and 400*l.* lent to the king, 12 June—Commission to Nicol Ottirburn, and John Dalrumpill a merchant, for receiving the queen's portion—Confirmation of the decree that James Douglas of *Heriotmuir* is older than his twin-brother Archibald earl of Moray—Grant of the marriage of Margaret Douglas, daughter of Archibald earl of Douglas to William the then earl, 2 Feb.—Forest of Ettrick and Selkirk made a regality in favour of Douglas, 26 Jan.—Confirmation of Galloway to Douglas, above and beneath the water of Cre, blench for a red rose, 26 Jan.

Such minute particulars would be beneath the notice of history, were not this reign peculiarly obscure, and the author anxious to throw all possible light upon it.

⁸ Rymer, XI, 283.

⁹ Ibid. XI, 284.

¹ Ibid. 287—293.

² Acts, f. 32.

1451 Crichton; who escaped, and afterwards had nearly surprized Douglas, then lodging in Edinburgh with a small train³. The lands of John Herries, a gentleman of eminent loyalty, being ravaged by some followers of Douglas, he complained to the earl without effect, and in revenge ravaged a part of Annandale: but he was taken, and hanged by the command of Douglas, in contempt of the king's prohibitory mandate⁴.

These appear trivial offences, when compared with a grand measure now entered into by Douglas, and which threatened destruction to the king, and the kingdom. As Douglas was by far the most powerful noble of the south of Scotland, or rather a petty sovereign in that department, so Alexander Lindsay earl of Crawford, and John earl of Ross, lord of the Isles, held the highest authority in the north. The policy, and vengeance, of Douglas conciliated a league with these potent nobles, strictly obliging all the parties to mutual defence against every injury⁵; and to such a conjunction the laws themselves were injuries. The monarch trembled at this confederacy, the power of which was in fact superior to the royal authority; but he resolved to dissemble for a season,

³ Boyce, lib. XVIII, Lindsay's transl. 58, 59. Hume's Dougl. I, 343. Crichton had probably been advanced to the peerage in 1450, for his services in the royal marriage: he died about 1454. Sir Alex. Livingston seems to have died about 1450.

⁴ Boyce, lib. XVIII, Lindsay's transl. 60, 61. Hume, I, 345, 346, who seems rightly to call him Sir William Harris of Terregles. This writer, who composed his work about the year 1630, has often original and authentic intelligence.

⁵ Ibid. Lindsay adds the earl of Moray, who was the brother of Douglas, and before in the strictest union with him. Compare Mair, 323, who only mentions Crawford.

In July 1451 Douglas had resigned most of his lands into the king's hands, and procured new charters, "notwithstanding any crimes of forfeiture," &c. committed by him or his uncle Archibald. Scott. Cal.

though

though the nation, in a just alarm, already beheld the king 1451
dethroned, and the country passing, from aristocratic tyranny
and discord, into a subjection to foreign dominion.

An incident however soon occurred, which hastened the 1452
execution of the royal vengeance. Douglas had persuaded or
overawed most of his vassals, especially those in Galloway,
Kyle, Carrick, Cunningham, and the districts adjacent, into
an engagement of attendance, and aid, even against the sove-
reign himself. But a few of the more moderate, and prudent,
were averse to such illegal ties; and among these was distin-
guished Maclelan, guardian of the heir of Bomby, and a near
relation of Sir Patrick Gray, who was son of lord Gray, and
captain of the king's guard, an office of the greatest confi-
dence⁶. The earl of Douglas, irritated at Maclelan's obsti-
nacy in rectitude, suddenly besieged his house, took it, con-
veyed the owner to the castle of Douglas⁷, and threw him
into strict durance. Upon hearing this, Sir Patrick Gray laid
the affair before the king, and instantly obtained a mild letter,
rather of supplication than of command, requesting Douglas
to deliver the prisoner to Gray. The earl was sitting at dinner
in the castle of Douglas, when he was told that Gray, a
familiar servant of the king, was at the gate; and, in some
surprize, arose to receive him with much apparent civility,
and invited him to partake of the repast. During the enjoy-
ments of the table, Douglas was revolving what Gray's com-
mission could be; and guessing the truth gave a secret order,

⁶ Among some slight variations, Lindsay has inserted this story in his trans-
lation of Boyce, p. 61—64, and its *naïf* veracity is far remote from the manner
of Boyce. In p. 81—87 is another similar interpolation, afterwards to be used.
The royal guard now appears for the first time, perhaps in imitation of the
Scottish guards of France established about 1440.

⁷ Yet according to the fabulous Boyce it was demolished in 1450.

1452 in consequence of which the prisoner was led to a green beside the castle, where his head was struck off, and taken away, and a cloth was spread over the body. The meal ended, Gray produced the royal letter, which was received with all the respect of fraud; and the earl having perused it said, "I am beholden to you for bringing me so gracious a letter from the king, especially considering how matters stand between us at present. The demand shall instantly be granted, and the more favourably for your sake." He then took Gray by the hand, and led him to the green, where removing the cloth, Douglas coldly said: "Sir Patrick, you are come a little too late. This is your sister's son, but he wants the head. Take his body, and do with it what you will." Gray replied in anguish, "My lord, since you have taken his head, you may dispose of his body:" then calling for his horses he mounted, and said to the earl, "My lord, if I live, you shall be rewarded for your present labour, according to your demerits." Douglas, enraged at this threat, called for his horse; but Sir Patrick by the goodness of his led steed escaped the pursuit, which extended near to Edinburgh.

The king irritated beyond measure at such repeated insults, aggravated by the most sanguinary cruelty, and the most profligate contempt of the laws; and anxious to prevent the effects of the formidable league formed against his authority, called a chosen council to deliberate upon the measures to be followed. It was resolved, in order to avoid the horrors of civil war, that Douglas should be inveigled into court by flattery, and upon pretence that the king forgave his past enormities, and only desired him to reform his future conduct^s. About this time
22 Jan. a passport was obtained from the English king, for Douglas,

^s Boyce, lib. XVIII, Lindsay, 64.

his brother James, and lord Hamilton, joined with Crichton, 1452
Montgomery, Gray, three bishops, and others, to go in pil-
grimage to Canterbury? This safe conduct was apparently
never used; and Douglas and his enemies are so strangely
blended in it, that there is room to suspect that, under the
pretext of a pilgrimage of mutual repentance and conciliation,
a scheme had been formed to assail Douglas, when in the de-
fenceless garb of a pilgrim.

However this be, the earl was prevailed upon, towards the
beginning of lent, which this year happened in the end of
February, to visit the court at the castle of Stirling'. After
supper, the king taking him apart into a secret chamber,
where only some of the privy council, and the guard, were
in attendance, mildly informed him that he had heard of the
league with Crawford, and other nobles; and desired him to
break such illegal engagements. Douglas proudly refused,
and had the arrogance to upbraid the king with his procedures
against him, which had forced him, as he asserted, to form
this confederacy. The sense of repeated insults, and of an
outrageous contempt of his authority, conspired with the
present personal affront, to kindle a flame of instantaneous
fury; and the monarch exclaiming, "If you will not break
this league, by God I shall," drew his dagger, and stabbed
Douglas. Sir Patrick Gray then struck the earl with a battle
ax, and the wound was instantly mortal².

¹ Rymer, XI, 303.

² Lindsay, p. 64, says that, according to the report of some, Douglas ob-
tained a safe conduct from James under the great seal. Hume I, 351, asserts
this as fact: and p. 361 he mentions that this safe conduct was contumeliously
dragged at a horse's tail, after the assassination. That author's prejudices may
be doubted: yet Lesley and Buchanan confirm the safe conduct.

³ Mair, 323. Boyce, lib. XVIII, Lindsay's transl. 64—66. Hume's
Dougl. I, 352, 355.

1452 It is said that the four brothers of Douglas, Sir James the eldest, who had abandoned his clerical character, and now became earl of Douglas, Archibald earl of Moray, Hugh earl of Ormond, and John lord Balveny, in the first eruption of revenge, proclaimed the king a despiser of his covenants and of good faith, even at the gates of the castle of Stirling. Then collecting their force, and returning, they burned the town³. Two of their own name were extremely obnoxious, because they were loyal, the earl of Angus, and Sir John Douglas of Dalkeith: the castle of the latter they besieged in vain. After Douglas, and his family, and followers, had excited great commotions in the south of Scotland, James partly by exertion, and partly by lenity, prevailed on them to return to their duty⁴.

This happy effect was produced, in a considerable degree, by the discomfiture of Crawford, the associate of the Douglasses; who rising in arms, was defeated by the royal troops commanded by Huntley. The action happened near Brechin; and was accompanied with great slaughter on the part of the vanquished⁵.

26 Aug. The civil conflicts being in some measure appeased, a parliament was held at Edinburgh, which issued regulations tending to prevent a scarcity of grain, in consequence of the internal commotions⁶.

Douglas,

³ Mair 323 imputes this act to lord Hamilton. Compare Hume I, 362.

⁴ Boyce, lib. XVIII, Lindsay's transl. 67 seq. Hume I, 364 seq.

⁵ This battle is by Boyce and Lindsay assigned to 1453; but the Harleian ms. 2363, written by a monk of Kinloss, dates it on ascension day 1452. Lesley agrees, p. 304, and Ferrerius Hist. Fam. Gordon, ms. Harl. 1423, f. v. 148, who gives a long account of this engagement. He wrote in 1545: ib. 145.

⁶ Acts, f. v. 33. Amid the scarcity, and imperfection, of materials it may not be improper to commemorate the following charters of 1452, from Scotstarvet's

Douglas, at length reconciled to the king, entered into a solemn engagement, 1. Not to pretend any title to the earldom of Wigton, except with the queen's consent: 2. Nor to the lands of Stewarton, a part of the patrimony of the duchess of Touraine, his mother: 3. To abandon in future all hatred, or enmity, against all persons: 4. To preserve the public peace, and make compensations to persons already injured: 5. To observe the strictest duty and respect to the king. This instrument was signed by Douglas, and lord Hamilton, for themselves and their adherents⁷. 1452
28 Aug.

The public tranquility being completely restored, the earl of Douglas, the abbot of Melros, and Robert Liddel of Balimire, proceeded on an embassy to England, to prolong the truce, which would otherwise have expired in 1454. It was accordingly protracted to May 1457: and was duly ratified by James⁸. During his residence in London Douglas obtained safe conducts for himself, and lord Hamilton, to pass to Rome⁹, probably with a view to solicit dispensations for his marriage with Margaret, the fair maid of Galloway, the 1453
April
July

vet's Calendars. The lands of Guddie were granted to Robert Norie for bringing the tidings of the birth of prince James, 1 June. The lands and castle of Tantallon to George earl of Angus, warden of the western marches, 30 June. The earldom of Garioch to the queen, 26 Aug. A charter by James earl of Douglas was confirmed, 27 Aug.

⁷ Ruddiman, notes to Buchanan 441, 442, from a copy in the Advocates Library. Hamilton is called brother of Douglas, because he had wedded Euphemia widow of Archibald earl of Douglas, who died in 1439.

⁸ Rymer, XI, 324, 336, 339.

⁹ Ibid. 326, 327. The three brothers of Douglas, lord Livingston, the bishop of Glasgow, &c. &c. are included in the safe conducts. See ib. 333, a safe conduct to some burghesses of Edinburgh, and Stirling, for the same pilgrimage. The intentions may have been innocent; and the journey of Douglas in 1450 seems to have rendered these holy expeditions fashionable in Scotland at this period.

widow

1453 widow of William late earl of Douglas, his brother. In this design he was opposed by the influence of James; nor is there evidence that he ever completed the marriage.

This interval of domestic quiet was distinguished by the foundation of the university of Glasgow, by the pious cares of William Turnbull bishop of that see. It was endued with ample privileges; and a bull of Nicholas V confirmed the erection. The respectable founder soon after died at Rome, whither he retired from the subsequent commotions in his country¹.

Isabel duchess of Bretagne, sister of James, being now a widow, was requested in marriage by the prince of Navarre; but the proposal being disagreeable to the French court, the bishop of Galloway, and David Lindsay esquire, were sent ambassadors to Bretagne, in order to frustrate the prince's application, in which they succeeded².

¹ Keith, Bishops, 149. On the 10th Dec. 1472, appears a charter, confirming the liberties of the college of Glasgow, granted in 1453. Scott. Cal.

² Lobineau, Hist. de Bretagne I, 654. She persisted in widowhood; and in 1459 there were three duchesses dowager of Bretagne. Isabel had only daughters, one of whom wedded the duke de Rohan; and she lived till 1494, after surviving many dukes and duchesses of Bretagne. Lob. passim.

On the 1st May 1450 James granted a charter to Sir William Monipeny, for services to the dauphiness, the duchess of Vien, of Bretagne, and of Austria, and his other sisters, of the lands of Hallis of Airth, to be thereafter called the lands of Monipeny, blanch for a red rose. Scott. Cal. where see also 7 Oct. 1451. A descendant Alexander Monipeny bought Concorfault in France from Stuart of Aubigny: his brother William Monipeny, abbot of St. Satur, was chosen archbishop of Bourges in 1512. Thaumassiere Hist. de Berry, 396.

Scottish Calendar's are now unhappily defective for four years, from 1453 to 1457.

In 1447 the queen of France, on a pilgrimage to St. Michael, was accompanied by Eleanor of Scotland, sister of the duchess of Bretagne. Lob. sub anno. See here, under the year 1457, further intelligence concerning the princesses.

The

The deepest obscurity impends even over the latter part of the reign of James II, and it is almost impossible to enlighten the events with the clear colours of chronology. Amid this uncertainty, the most probable plan of arrangement shall be followed, and committed to the candour of the reader. 1454

The death of Crichton, the chancellor, who had long moderated public affairs, seems to have opened the way to the succeeding tumults¹. Meanwhile the English government complaining of depredations on the frontiers, the bishop of Brechin, and the earl of Orkney chancellor, were appointed June embassadors to adjust the grievances²: and soon after a safe conduct appears to Beatrix, countess of Douglas, widow of 16 June James the Gross, and Margaret widow of William, with John Douglas lord of Balveny, on pretence of a pilgrimage to England, but probably to form treasonable connections between their family and that country³. The contests between the houses of York and Lancaster had now commenced; and the duke of York being, at this period, possessed of the supreme power, he favoured the house of Douglas, in opposition to James, who, in conjunction with France, supported the interests of Henry.

Crawford, who had joined in the bond which proved fatal to the late earl of Douglas, had been punished with forfeiture, but was pardoned on submission⁴. Yet Moray and Ormond,

¹ Crawford, Off. 30, dates his death 1455, and is followed by Douglas. Yet Crawford, 34, says Orkney was made chancellor on the death of Crichton; and the former now appears in that capacity. See in Abercr. II, 430, the fabulous titles of Orkney. So in 1764, Douglas, Peerage 185, styles William of Nithsdale *prince of Danskin*, (Dantzic;) and *lord of Spruce*, (Prussia)! These gentlemen seem ignorant that foreign countries have historians.

⁴ Rymer, XI, 349. ⁵ Ibid.

⁶ Boyce, lib. XVIII, puts a fabulous oration into the mouth of Crawford, which Lindsay, 73—78, enlarges with family affection.

1454 { the brothers of Douglas, again excited a rebellion in the north, and ravaged the lands of Huntley and other loyal persons. Huntley assembling his followers gave half of Elgin to the flames, because that part of the town supported Moray: and, though defeated at Dunkinty, he raised fresh troops, and forced the Douglasses, Moray and Ormond, to leave the north of Scotland, and take shelter in the Hebrides, whence they proceeded to join their brother in his grand rebellion⁷.

autumn

To understand this rebellion aright, it seems necessary to throw a brief glance on the affairs of England. In the end of the preceding year Henry VI, a prince whose weakness rendered his whole reign one minority, had fallen into a state of insanity; and Richard duke of York had been soon after declared protector of the realm. As James was ever firmly attached to Henry, and evinced on subsequent occasions an eagerness to support his interests, there is reason to infer that York excited, or favoured, the rebellion of Douglas, in order to prevent James from an interference in the affairs of England. Nor in case of the success of Douglas, in driving James from his throne, would the example have been unuseful to the designs of York; nor the supreme power of Douglas in Scotland unimportant to his purposes. The intercourse between York and Douglas appears to have been mediated by Beatrix, the mother of the latter, and John lord Balveny his brother, who as is abovementioned had proceeded to England; and who were afterwards specially included in the forfeiture of the family, for designs on the Scottish monarchy supported by English influence.

When to the aid of York are added the internal causes, the native ambition of the house of Douglas, unsatiated even by

⁷ Compare Boyce lib. XVIII, Lindsay's translation 69, with Hume's Douglasses I, 366. But the events of 1452 are intermixed.

the

the highest honours of regal favour; its latent but deep en-
 mity, excited by the destruction of two of its chiefs, during ¹⁴⁵⁴
 the present reign, and by other injuries and mortifications; its
 consciousness that no monarch could ever sincerely pardon a
 family, which formed one nursery of rebellion, which despised
 the laws, and rivalled the throne; its apprehensions, from the
 recent ruin of its power in the north, that if effectual resistance
 were not instantly opposed, the annihilation of the stem and
 other branches might follow; when these considerations are
 weighed, the sources of this grand rebellion may not perhaps
 appear obscure. The inflammatory principles had long existed,
 and were deeply and widely scattered: the power of York, the
 money and protection of England, the overthrow of Moray
 and Ormond, and the consequent stings of apprehension and
 revenge, were only temporary circumstances, which set fire
 to the train that shook Scotland to its centre.

Such appear to have been the causes of this grand rebellion,
 which threatened to overturn the Scottish throne, and which
 our elder writers ignorantly consider as a prolongation of that
 which arose in 1452, on the assassination of William earl of
 Douglas; but which as is evident from original documents
 above adduced, was wholly extinguished in that year. Later
 writers have either followed their example, in confounding
 distinct events; or have, under the general term of England,
 blended the remote, and opposite, interests of York and of
 Henry. They also tell us that, soon after the death of the
 former earl, Beatrix his mother, and Margaret the fair maid
 of Galloway his widow, took refuge in England: that Doug-
 las accepted the embassy, in the view of securing the hand of
 Margaret, whose domains were large; and, in order to obtain
 a dispensation, he afterwards procured a safe conduct for a

1454 pretended pilgrimage to Rome^s. That a dispensation being refused, he nevertheless wedded Margaret, who in disgust fled to the Scottish king; and he bestowing her in marriage on his uterine brother Athole, the consequence was a civil war. But there is no evidence that James now earl of Douglas wedded his brother's widow: or that she returned to Scotland before the ruin of the family. The same writers, who state this affair as the origin of the war, also assert that Douglas and his brothers were, in July this year, summoned before a parliament, to answer for their crimes; and upon nonappearance, were declared rebels and forfeited. This latter circumstance would of itself present a sufficient cause of the commotion: but the difficulty in the account of these authors consists in discovering what new crimes the house of Douglas had committed; and the act of forfeiture, 1455, is infallibly the first and sole act against the family, as is clear from the records.

The facts and authorities, about to be adduced, will be found unanimous in the support of the previous observations above given. Nor is there any evidence that James had planned the ruin of the potent family of Douglas, as theoretic writers would infer; for he was unprepared, and trembled at the impending danger. The instrument of August 1452, the honourable embassy of the following year, indicate complete reconciliation; and though embers of jealousy might at this season be revived, by the ruin of Moray and Ormond, and by the king's interference in frustrating the earl's design to wed his brother's widow, yet the ambition of Douglas, joined with

^s The safe conduct is for four years; and might be intended as a resource in case the rebellion failed; and whether Henry or York should happen to be in power.

the other causes above mentioned, will to a candid mind appear the chief springs of this memorable contest. 1454

Unfortunately there is not, for its commencement in the autumn of this year, that clear evidence which attends its termination in the next. The first events rest upon doubtful and inaccurate authorities, the use of which necessity alone can vindicate; and all that can be done is to select the most important, and probable, circumstances, omitting such as are contradicted by the genuine records of the ensuing year.

It appears that James, discovering the treasonable correspondence carried on by Douglas in England, and suspecting his designs, sent an herald to summon him to appear before the privy council, or perhaps the parliament. Far from shewing obedience that potent earl sent secret messengers to affix, in the night, placards upon the church-doors of Edinburgh, charging the king with the murder of the two chiefs of the house of Douglas, and replete with insulting expressions⁹.

Instantly assembling a small array, James ravaged some lands belonging to Douglas. It being the time of harvest, the king not only felt repugnance in destroying the corn, but could not, except in the most urgent necessity, harass his subjects by assembling a large force: he therefore returned; and, dismissing a part of his followers, he ordered the remainder to besiege Abercorn, a strong castle belonging to Douglas, and which, from its proximity to the capital, was an object of peculiar jealousy¹.

Yet the suddenness of the attack on his domains had so much alarmed Douglas, who little expected such promptitude, that he withdrew to the borders; whence he sent lord Hamil-

⁹ Boyce lib. XVIII, Lindsay's transl. 70.

¹ Ibid.

1454 } ton into England to request York's assistance; and a sum of money was immediately remitted².

The circumstances of Douglas were now reduced to that crisis, that the only choice lay between a bold exertion of his whole strength, in the ardent execution of great and extreme measures, or a patient submission to total ruin. Reinforced by the pecuniary supply from England, by the imagined fidelity of vassals long oppressed, by the martial influence of that name, which a succession of heroes had rendered the trumpet of war, he resolved to oppose his power in the open field to that of the king. The armed force, that would arise at the call of Douglas, was estimated at forty thousand men; most of them from their situation near the borders, and constant exercise in fight, far superior to any other troops of Scotland.

James had sent the earls of Orkney and Angus, with six thousand men, to besiege the castle of Abercorn, when Douglas summoned all his force to meet him at Douglas, on the tenth day, with provision for twenty days, to pass with him to Abercorn, there to rescue the fortress; or give the king battle, and force him to fight, or to leave the kingdom. Surprized at this intelligence, the king justly distrusting the south of Scotland, the chief seat of the power of Douglas, passed in a ship to St. Andrews; and his despair even suggested to him an intention to abandon Scotland. But the prudent and respectable bishop of that see, James Kennedy, a son of the countess of Angus daughter of Robert III, insinuated motives of consolation, and of courage. By his advice the king issued proclamations, summoning the array of the north, and offering amnesty to all who should now join his service: and in a few days a considerable force arrived; the royal banner was raised

² Boyce, lib. XVIII, Lindsay 81. After this the incidents of 1454 are better authenticated by the second, and last, large interpolation of Lindsay 81—87.

in St. Andrews; and the army marched to Falkland in order of battle. Entering Stirling, attended by the barons of Fife, Strathern, and Angus, James remained there, till the more northern troops should approach; and, upon their junction, he found himself at the head of forty thousand men. He then advanced against Douglas, whose army, amounting to near forty thousand, (among whom Hamilton, at the head of three hundred horse, and as many chosen infantry, was to render himself remarkable,) had encamped on the south side of the Carron, in his march towards Abercorn. 1454

A battle was believed inevitable, which was to decide whether James, or Douglas, should have the dominion of Scotland. But bishop Kennedy, anxious to prevent the effusion of blood, had attended the royal army, and now sent a secret message to Hamilton, his nephew, assuring him, in the king's name, not only of remission, but of high reward, if he would leave Douglas. Hamilton returned rather a favourable answer, yet hesitated between the laws of friendship, and the advantages of loyalty, when the haughtiness of Douglas conspired to induce him to embrace the latter. A herald, arriving from the king, charged the rebels to disperse, under pain of treason: Douglas sent him back with derision; and immediately arrayed his host and marched towards the royal army; but seeing its strength, and doubting the effect of the proclamation of amnesty, nay thinking that he perceived its influence in the dubious service, and fallen spirit of his people, he conducted them back into their camp, hoping to reanimate their fidelity and courage, before he led them to battle in the morning. This imprudent procedure was little approved by the barons, and leaders, especially by Hamilton, who immediately went to the earl, and inquired if he intended to give the king battle, or not; affirming at the same time that the delay was full.

1454 full of danger, as his people were deserting while the royal army was upon the increase. Douglas answered, with contempt, "If you are tired, you may depart when you please;" and Hamilton, that night, passed to the king. The other chiefs alarmed at his departure, and suspecting each other, also disbanded; so that in the morning Douglas trembled when he beheld a silent and desert camp, not one hundred men remaining, besides those who belonged to his household, or were his immediate servants. Upon this unexpected change, the earl fled to Annandale, where he lurked with his brothers till the ensuing spring. In this surprizing manner fell for ever the enormous power of the house of Douglas; which had arisen from patriotic heroism; and was conducted to perdition by aristocratic tyranny, and the most ungrateful rebellion.

1455 The events of the subsequent year are happily illustrated by original evidence, and particularly by a letter from James to Charles VII king of France, reciting at some length the termination of the rebellion of Douglas³.

Having sent Thomas Spence bishop of Galloway, John lord Lindsay of the Byres, and Dr. Arons archdeacon of Glasgow, as ambassadors to France, in order to state the progress and decline of the rebellion, James, as soon as the season permitted the tedious operations of a siege, recommenced that of the castle of Abercorn, which had been raised on the approach of winter. The army of James pitched their tents around this ab. 8 Ap. fortress in Easter week; and so imperfect was the art of attack that the siege occupied a month⁴.

³ This important letter is published by D'Achery in his *Spicilegium*, Vol. III, p. 801, of the new edition by De la Barre, Paris 1723, folio. The editor erroneously dates it 1456; but the chain of events, the attempt on Berwick, &c. evince 1455 to be the real year. See the original in the Appendix.

⁴ Letter of James.

While

While the monarch's arms were thus employed, Douglas, ¹⁴⁵⁵ who had hitherto lurked in the borders, fled into England, attended only by four or five persons. But his brothers, Moray, Ormond, and Balveny, remaining in Eusdale with some followers, they harraſſed the adjacent country, till they were encountered by the Scotts, and other borderers, who completely ^{1 May} routed the marauders. Moray falling in the action, his head was cut off, and ſent to James, then before Abercorn. Ormond was made priſoner, condemned, and executed. Balveny eſcaped into England⁵. This remarkable route, ſo fatal to the family of Douglas, happened at Arkinholm, on the river Esk, a little to the ſouth of the junction of the Eus with that ſtream⁶.

At length the towers of the caſtle of Abercorn being ſhaken by the repeated force of machines, an aſſault was ordered, the fortrefs was taken by ſtorm, and levelled with the ground; the ^{ab. 8 May} chief defenders being hanged, and the others diſmiſſed. James then proceeded againſt the caſtles of Strathaven, Douglas, and others belonging to the rebels, all which he took, and deſtroyed even to the foundations. He then ordered a detachment to beſiege that of Creif in Galloway⁷; and his power being now firmly

⁵ Letter of James.

⁶ Our fabulous writers place the conflict at Ancrum-muir. Repeated charters of James to Scott of Kirkurd, the Batifons, &c. for ſervice on this occaſion, ſpecially mention it to have happened at Arkinholm. See Scottſ. Cal. 20 Oct. 1458, and 22 Feb. 1459. Hay in his Vindication of El. More has publiſhed two of them, p. 69, 70. Braxholm was afterwards granted to Scott for the ſame cauſe, 7 Oct. 1463. Scottſ. Cal. The origin of the power of the houſe of Buccleugh.

Arkinholm, or Erkinhom, is on the river Esk, oppoſite Wachop-kirk: on the oppoſite ſide of the Eus ſtands Langholm caſtle. See Pont's Map of Eusdale and Eskdale. The battle of Ancrum was in 1544. Leſſ. 477.

⁷ Letter of James. *Creſe* is corrupted into *Treſe*, the *C* and *T*, *f* and *s*, being ſimilar in MSS. That Creif is meant appears from the Acts of 1455.

1455 firmly established, he returned to the capital to meet a parliament which had been there summoned.

9 June In this national council the forfeiture of Douglas, his mother Beatrix, his brothers Moray and Balveny, was solemnly decreed. Moray had fallen in a rebellious conflict; but his forfeiture remained to be pronounced by the law: while that of Ormond is unmentioned, as having been already sealed by his public execution for treason⁸.

Henry VI having in the mean time somewhat convalesced, James had in May destined a solemn embassy to England? But the battle of St. Albans having restored the power to York, the Scottish monarch manifested his enmity by an attempt on Berwick. Some of the adjacent borderers had given information that the place might easily be taken by surprize: but an Englishman, who had been admitted into Scotland by

James omits the parliament and forfeiture; and only adds that the rebellion was completely extinct.

⁸ Acts, f. 34, 36. See this most curious and important forfeiture in the Appendix. The summons against Douglas had been executed at Douglas, Strathaven, and Lanark, on the 24th April: the charges are, the fortifying of the castles of Creif, Douglas, Strathaven, and Abercorn; connections with England; rising in open war with a multitude of armed men near Lanark; ravaging the lands of lord Abernethy, the justiciary; burning Dalkeith, &c. Beatrix is condemned as an accomplice in burning Kincavil, Bonytoun, and Warnistoun, in the English leagues, &c. Moray's lands and effects are *escheated*, and *to remain* in the king's hands, nor is the summons mentioned; all proofs that he was slain before the forfeiture, which proceeds on his fortifying Lochindore, and Tarnaway, and aiding his brother. Balveny follows as an accomplice of Douglas: and the act is attested by the seals of Athole, Angus, Menteith, Errol, Lorn, Erskine, Campbell, Graham, Somerville, Montgomery, Maxwell, Lesley, Glamis, Hamilton, Gray, Boyd, Borthwick, and five bishops. The date is 10th June; yet the 12th is twice mentioned.

⁹ Rymer, XI, 349: a safe conduct 20th May to Kennedy bishop of St. Andrews, Livingston the chamberlain, &c. with 100 attendants. The battle of St. Albans was on the 22d May.

safe

safe conduct, and bound by oath not to retire without the royal permission, preferring his country to his conscience, found means to escape, and give the alarm. So that when James advanced with a numerous army, he found the English prepared to defend Berwick by sea and land, and was constrained to abandon the enterprize¹. He sent Rothsay herald to France with a letter relating this and the other events of the year; while Henry, or rather the English government, remitted letters of acknowledgment to Northumberland the warden of the marches, and others, for the defence of Berwick: and the English parliament granted supplies to guard it against the Scots, who are accused of besieging it during a truce².

Douglas was received with favour by the ruling party in England, and a pension was granted to him for services to be done, till he could recover his estates, seized, as the record expresses, by the person who calls himself king of Scotland³. When such is the language of a period depressed by civil war, we no longer wonder at the *truces* between England and Scotland, and that no solid pacification could exist: the subjection of Scotland was ever the chief object of the English kings, and a contemporary writer of that nation hesitates not to prefer its importance to that of France⁴; the Scottish court well knew that this obstinately weak and ambitious pretension might seem to sleep, but was always alive.

¹ Letter of James.

² The letters of Henry are preserved in Rymer's unprinted papers, N° 4611, art. 114, 115: and are dated 9th July, regni 33. The intelligence was sent to London on the 3d July: the attempt of James was probably on the 1st or 2d. As a recompence Henry excused Northumberland from his attendance on parliament. The supplies appear in the Parliamentary History, II, 278: this parliament met at Westminster 9th July, 1455. Ib.

³ Rymer, XI, 367.

⁴ Harding, f. v. 234.

1455

4 Aug.

The transactions of parliament are interesting and important⁵. The first statute concerns the annexation of lands to the royal domains, and mentions that the poverty of the crown often causes that of the realm; for which reason, and others not expressed, it is ordained that, in every part of the kingdom, there be certain lordships, and castles, perpetually annexed to the royal property, and never to be alienated except by the advice of parliament; that any other alienation shall be void, and resumeable by the sovereign at pleasure, with all the profits which have resulted; and that the king and his successors be sworn to observe this statute. This last clause seems to indicate that the legislative power possessed a title to direct the executive: but it is suspected that neither the king, nor the parliament, then knew the nature of absolute power, or of liberty. The ordinance proceeds to declare that the whole customs of the kingdom, as they stood at the death of James I, shall be vested in the present monarch; and to specify the lands annexed to the crown, among which we find Ettrick forest, and Galloway, which belonged to the family of Douglas, but no other lands of that house seem to be mentioned; a circumstance unaccounted for by our careless writers, and which probably arose from the other extensive domains of Douglas being shared among the nobles, and others, who assisted in suppressing the revolt⁶. The other chief territories, recorded as belonging to the crown, are the castle of Edin-

⁵ Acts, f. 34. In f. 35 appears a statute prohibiting, on pain of treason, any intercourse with Douglas, his mother, or brother (John lord Balveny.)

⁶ On the 3d July 1455 was a grant to lord Hamilton of the sheriffdom of Lanark, forfeited by Douglas. See Dougl. Peer. 329. On the 23d Oct. appears a charter to the same, and Euphemia countess (dowager) of Douglas and lady Bothwell, his spouse; confirmed 1481. Scott. Cal. Several new peerages were erected on the fall of the family of Douglas. See Carmichael's Tracts, &c.

burgh, with some lands in Lothian; that of Stirling, with 1455 its dependent grounds; that of Dunbarton, with some small estates; the earldom of Fife, with the palace of Falkland; the earldom of Strathern; the lordship of Brechin; the castle of Inverness, and the lordships of Urquhart, and Abernethy, with other northern domains; the Redcastle in the south east of Rosshire, with the appended lordship of Ross, a minute limb of that great earldom, probably retained by James I, when he pardoned the earl of Ross, the lord of the Isles, as a key to that distant, and dubious, province.

This parliament further ordered that the office of warden of the marches should not be hereditary: that all regalities in the king's hands be annexed to the royalty, and that no regalities be granted in future without the sanction of the states: that no office be hereditary, and that all offices granted since the death of James I, be revoked except the wardenship of the marches bestowed on the infant Alexander, earl of March, and lord of Annandale, second son of the king, and afterwards duke of Albany. It is also decreed that, in the boroughs, a council of eight or twelve persons, according to the extent of the town, be established, to decide petty suits: and that the members of parliament wear particular habits, which are minutely described⁷.

The national council having again met, on the thirteenth of October, took into consideration the report of an intended English invasion; and gave directions concerning the arrangement of beacons and other necessary preparations. They then ordered that persons suspected of treason should be imprisoned: that none should pass into England in time of war, without permission, under pain of treason: and several other regulations

⁷ Acts, f. 35, 36. Annandale had belonged to Douglas.

1455 appear, all relating to hostilities, but not of such importance as to merit especial consideration. To the apprehension of war was added a more immediate calamity, that of the pestilence, which extended its ravages through the kingdom, and perhaps preserved it from any invasion at this infectious period⁸.

1456 If credit be given to the late, and doubtful, accounts of this reign two invasions of Scotland took place this year. The first was conducted by John lord of the Isles, who is said to have committed several ravages, and even to have burnt Inverness: he then retired, and was some time after pardoned on submission⁹. This seems fabulous; and perhaps the same character may be assigned to the more probable account that Douglas, and the earl of Northumberland, ravaging the borders, were defeated by Angus, with small loss on either side¹.

From superior authority it appears that James, enraged at the conduct of the English court in the supply and reception of Douglas, entered the north of England, with a large army; but was met at the river Cayle, by two English ambassadors, by whose arts he was so far deceived, as to return, and dismiss his forces. The fraud being soon discovered, the Scottish monarch, in twenty days, raised a more formidable army than the former, ravaged Northumberland with fire and sword; levelled many castles with the ground; and returned with some show of military fame².

Meanwhile.

⁸ Ibid. f. 36, 37.

⁹ Boyce, lib. XVIII, Lindsay's transl. 88. When Boyce is at a loss for incidents he has always recourse from the earliest periods to the last, to a Donald of the isles. The lord at this time was John. Sutherland case, ch. v. p. 28. Douglas' Peerage, 361.

¹ Boyce, lib. XVIII, Lindsay's transl. 91.

² Contin. of Bowar, 520. Mair, 325. Boyce, ever fabulous, supposes that James was fighting on York's side, Lindsay, 99. The ambassadors probably appeared in Henry's name, and represented him as in power; but James was afterwards

Meanwhile Douglas was admitted to the titles of an English ¹⁴⁵⁶ subject³, and continued in that allegiance to the following monarchs Edward IV, and Richard III, but in him the family, and the treason, were to become extinct. His sister-in-law, Margaret, afterwards returned into Scotland; where the king, commiserating her rank, her beauty, her tears, assigned to her the lordship of Balveny, and wedded her to his uterine brother the earl of Athole⁴.

A parliament was held at Edinburgh, which published a few ^{19 Oct.} ordinances regulating the manner of national defence against England, the power of the duke of York the enemy of James, and the invasion of that country, leading the Scots to expect reprisals. Certain rules were established, concerning those infected with the pestilence, which still desolated the kingdom, being, it is believed, the fifth great visitation of that horrid contagion. The value of coin, foreign and domestic, was considerably raised, so that the Scottish money became to the English as one to three: and some abuses committed by the king's officers, in exacting the customs at fairs, were repressed. The most important act, which was however altered in the next parliament, concerns the holding of the sessions, or high court of justice, which was ordered to sit for three months at a

afterwards undeceived. Lesley, 308, is more authentic. The river *Cayle* seems *Keil* in Roxburghshire.

Rymer, XI, 383, gives a letter from York, in Henry's name, in answer to the defiance of James, sent by Lion-king at arms. York treats James as an usurper, claims homage, charges him with depredations, and returns defiance. This letter is dated 26th July 1456; and probably instigated the invasion by James.

³ Rymer, XI, 381.

⁴ Stewart's Genealogy, 171. But Sir John Stuart was not created earl of Athole till 1457; and Balveny was only granted to him in May 1460. Douglas' Peer. 49. The marriage probably did not take place till 1459. The confusion of chronology springs from the grand fountain of historical error, Hector Boyce.

1456 time; and was to consist of three eminent clergy, three barons, and three commissioners of the burghs, to be changed each month; and who were to be sworn, in the royal presence, impartially to administer the laws. The instructions sent to France were voted sufficient, but their purport is unknown⁵.

1457
June

A truce with England, where York was no longer in authority, was negotiated, and at length concluded at Coventry to last till the sixth day of July 1459⁶. The territory immediately appertaining to the earldom of Douglas, with Douglasdale, and the appendant domains, was now granted to the earl of Angus, in which family, a branch of the former, it was to remain⁷. This measure was imprudent, as it raised the house of Angus to a power little inferior to that of the preceding lineage of Douglas, and which was afterwards too deeply felt in the kingdom: but individuals learn from experience, while nations, and successive kings, seldom draw wisdom from former faults. That our monarchs were strangers to the fixt plan of humbling the aristocracy, imputed to them by theoretic writers, is sufficiently clear⁸.

⁵ Acts, f. v. 37—39.

⁶ Rymer, XI, 389. York had remained in power till February this year. To counteract him, Margaret proposed to the court of France that the two daughters of James I, who went thither when the dauphiness died, should be married to the two sons of the late duke of Somerset her partizan. At the same time Margaret prevailed on the French king to assist Scotland against the duke of York: and Loheac and Brezé invaded the south of England, and ravaged *Port* (Portsmouth?) De Coucy 709. Carte, II, 750.

⁷ Hume's Dougl. II, 18, 19. The earldom of Angus passed to the house of Douglas, by marriage, about 1381. From George, second son of William first earl of Douglas, the house of Angus lineally descended; and the present earl George was the fifth of that illustrious branch. Hume II, 6—11.

⁸ No sooner had Angus succeeded to the power of Douglas, than the followers of the latter house joined the former. See the bond of lord Hamilton in Hume II, 19. It is dated 13th May 1457.

About this time a negotiation was proceeding at Paris, concerning the claim of Denmark to an annual sum, for the cession of the Hebudes about two centuries before⁹. This affair, unimportant in itself, led to the re-union of the Orkneys to the Scottish crown in the succeeding reign. 1457

The national council, being summoned to Edinburgh, distinguished itself by enacting a great number of prudent laws. 1458
 The ordinance of the year 1456, concerning the supreme court of judicature, was revised; and it was decreed that the sessions were only to continue for forty days at a time, but should be held three times in the year, at three different cities, Edinburgh, Perth, and Aberdeen; that is once a year at each place, in successive periods. This court consisted, as has above appeared, of committees of parliament; and, from a specification in the act, it seems that the Scottish parliament did not now exceed one hundred and ninety members¹. The rotation of these committees of justice was a laudable measure, and partook more of a free constitution, than the foundation of James V, originally projected by John duke of Albany, on the model of a French judicatory parliament, after despotism had tainted the government of France. This institution also contributes somewhat to instruct us how a French parliament dwindled into a court of law. Particular regulations were enacted, concerning the causes to be tried by this court of session, and the mode of

⁹ Torf. Orc. 184. A singular law-suit happened this year between James and lord Erskine, concerning the earldom of Mar, and the king unjustly gained the cause: nor was the family of Erskine admitted to its right till 1562. See a minute detail of this grand process in Douglas' Peer. 467, seq.

¹ Each committee consisted of nine members, three clergymen, three barons, three burghesses: these distinct committees in the year amount to twenty-seven members; and the act bears that, on this plan, the judicial capacity of each member would not revolve above once in seven years, which infers a total of one hundred and eighty-nine.

1458 procedure: but it is unjustly, and impolitically, ordered that the members should defray their own expences. Other acts concern the regulation of the coin, of the hospitals, and of military discipline, particularly for the encouragement of archery. A curious sumptuary law appears, which shall be reserved for future consideration: and one common rate of measure is ordered to be followed through the kingdom. The decrees for the promotion of agriculture deserve applause; they ordain that lands may be let in fee-farm, and that the king shall set the example; that woods, trees, and hedges, be planted; that wheat, peas, and beans, be regularly sown; game is recommended to preservation; wolves, and birds of prey, to destruction. A decent and peaceable attendance on the courts of justice is enforced: the violent seizure of lands is guarded against: he who attains the royal remission is, nevertheless, to make compensation to the plaintiff for any robbery or spoil: negligent, or corrupt, officers of justice are to lose their office, and profits, for a year and a day, if heritable; if not, for ever².

The famous statute of James I is confirmed, concerning *leasing making*, or the propagation of falsehoods between the king and the people³; a law perhaps not deserving of much blame, during the struggles between monarchy and aristocracy, but which afterwards became an oppressive engine of state. Two other acts particularly regard the constitution; by the one it is wisely ordained that no leagues or bonds of association be entered into, nor any commotions raised, under the pain of confiscation, and even the life of the guilty to be in the king's mercy; and that, under the same penalty, no inhabitants of boroughs shall engage in bonds of attendance; or ride in armour, save with the king, his officers, or the lord of the

² Acts, f. v. 39.—f. v. 45.

³ Ibid. f. 45, c. 100.

borough.

borough. The other act declares that no freeholder, that holds ¹⁴⁵⁸ of the king a property of less value than twenty pounds a year, be constrained to come to the parliament or general council, as a member, except he be a baron, or be commanded by the king's officer or writ ⁴. This ordinance, really intended as a relief of the subjects at a period when attendance on parliament was regarded as a burdensome expence, and loss of time, has been construed into an intention of undue influence.

The patriotic exertions of this last parliament of James II are terminated with a decree, that the proper officers order its statutes to be copied and proclaimed through the kingdom, in order that none may pretend ignorance. The members conclude with an affecting peroration, to the effect that, since God has sent their sovereign such prosperity, that all rebels and infringers of justice are banished, and no party able to excite commotion remains in the realm, if the king and his ministers be inclined to the quiet and utility of the state, and to dispense justice and equity among the people, the parliament therefore exhorts, and requires, the monarch diligently to enforce these statutes, that he may meet with the approbation of heaven, and of all his subjects; and expresses gratitude to God, who has sent them such a prince to be their governor and defender ⁵. Alas, two short years were to close their hopes, and their gratitude! A fatal chance was again to reduce Scotland to the confusions of a minority, and to retard the civilization, and the glory, of that ill-fated kingdom. That the happiness of millions should depend upon the infancy of one, is a paradox in human affairs, which may provoke the smiles of those who think, and the tears of those who feel. But such instances seldom occur, and must be suffered, to avoid greater evils. Severe however,

⁴ Acts, f. v. 43, c. 88, and f. 43, c. 85.

⁵ Ibid. f. 45, c. 102.

1458 as are the misfortunes of elective monarchy, when compared
 with the hereditary calamities of Scotland, they lose their
 terrors, and assume the aspect of felicity.

1459 Plenipotentiaries were named, to extend the truce with
 July England, which expired this year; and it was prolonged for
 nine years⁶. The civil wars of York and Lancaster now
 raged in that kingdom; and were long to consume its force,
 and prevent any molestation of the neighbouring states⁷.

Nov. A commission was issued to Sir William Monipeny of Rattray,
 and Mr. John Kennedy provost of St. Andrews, to proceed on
 an embassy to France, and demand the earldom of Xaintonge,
 which had been granted to James I. They were also to form
 a treaty with Castille; and to join Patrick Fokart, captain of
 the Scottish guard, in ascertaining and settling the debt due by
 Scotland to Denmark: and afterwards to pass to Rome, with
 Mr. Hugh Douglas archdeacon of St. Andrews, in order to
 testify the king's obedience to the new pontiff Pius II⁸.

1460 In the deficiency of historical materials, it is not easy to
 discover the pretences, or causes, which induced James to
 break the truce by besieging Roxburgh. It is certain that, in
 June, he sent ambassadors to England, to confirm the truce,
 and to compose any slight infringements, which might have

⁶ To the 6th July 1468. Rymer, XI, 426. It is dated 12 Sept. and ratified
 by Henry, 20 Feb. 1460. Ibid. 443. Among Rymer's unpublished papers,
 No. 4612, art. 69, is a power from Henry, (Coventry 26th July,) to confer
 with envoys from Scotland on secret matters, lately mentioned by Andrew abbot
 of Melrose.

⁷ Of this year, among other curious deeds in Scotstarvet's Calendars, is a
 grant to John Dalrumpill, *the king's merchant*, for services at home and abroad.
 Jan. and Aug. In Feb. James issued a singular, and rather arbitrary, mandate,
 forbidding John Swift, a burgher of Edinburgh, to disinherit his eldest son: it
 is published by Hay Vind. of E. More, p. 61.

⁸ Scotst. Cal.

occurred since its commencement⁹: and that, on the third ¹⁴⁶⁰ of August, he was slain. That, in the contest between the families of York and Lancaster, the Scottish monarch inclined to the latter is to be inferred from his personal relation, by the mother, with the families of Somerset and Gaunt, and from the assistance lent by the French king, his ally, to Henry VI; and is ascertained by the treaties when Henry maintained his authority, and the intervals of war when York was in power, and by the flight of Henry, and his queen, into Scotland. The castle of Roxburgh was in the custody of William Nevil, lord Fauconberg, of the house of Warwick, the chief pillar of York's honourable cause¹. It appears therefore that the embassy of June, which consisted of not less than two bishops, three abbots, and three peers, had far superior intentions to those expressed in the commission; and was sent to promise aid to Henry, upon certain previous terms, probably that Roxburgh and Berwick, held by the enemies of Henry, should be restored to Scotland, if taken by James. On the tenth of July the Lancastrians had been defeated at Northampton, and Henry reduced to captivity; an event which seems instantly to have excited the Scottish monarch to arms, and he proceeded to secure the concessions in the first place, as not only a necessary object of prudence upon his part, but as affording a distraction to the arms of York, or a motive to their blame, by holding them out to the English as the origin of national disaster, and disgrace.

Accordingly, toward the end of July, James, with a numerous army, well furnished with cannon, and warlike machinery, proceeded to the siege of Roxburgh castle; which had ever since the battle of Durham remained in the hands of

⁹ Rymer, XI, 453.

¹ Calendars of ancient charters, 38 H 6, p. 281.

1460 the English, and presented a monument of jealousy and envy to Scotland². While the king was observing the effects of his artillery, one of the rudely contrived cannons of that age, consisting of iron bars, girded with circles of metal, suddenly burst; a fragment struck his thigh, and the great effusion of blood produced a death almost instantaneous. The earl of Angus, who stood next to James, was wounded³. It is impossible to express the grief of the camp, and of the kingdom, at the premature loss of a beloved sovereign, in the flower of his age, aggravated by the circumstances, and by the strange wantonness of the fatality. The young regretted the death of a youthful prince, of an ardent leader; the old sighed at the prospect of another minority. Could any consolation have arisen, it must have proceeded from the spirit of the queen, Mary of Gelder; who, immediately upon the tidings, arrived in the camp with the infant heir of the monarchy, and shewing him to the soldiers, while the tears gushed from her eyes, she conjured them by every domestic tie, by the memory of their sovereign, by the fame of Scottish valour, not to depart from their design, but to destroy this calamitous fortress. The castle was taken, and levelled with the ground⁴.

Such was the misfortune which deprived Scotland of the opening virtues of the second James, in the twenty ninth year of his age, and twenty fourth of his reign. His progeny were

² Cont. of Bowar, 520. Mair, 325.

³ Cont. of Bowar, 520. Mair, 325. W. Wyrcestre, II, 482. Chron. end of Winton ms. Reg. 17 D.XX. *Æneæ Sylvii Comm.* p. 125, edit. Francof. 1614, folio.

⁴ Ibid. but they are silent concerning the queen; and it is with hesitation that Hector Boyce, fabulous from first to last, is quoted with a final adieu to that impostor, Lib. XVIII, Lindsay's transl. 103, 104. Hector wrote three pages of the first year of James III, but happily did not finish that reign, of which there are several original historians.

James who succeeded him; Alexander duke of Albany, who 1460 was to be the father of John, the regent during the minority of James V; John, to be the earl of Mar: and two daughters, Mary, first wedded to lord Boyd, and after to lord Hamilton, whose family, by this connection, were to form hopes of the royalty in Mary's reign; and Margaret, who married William lord Crichton, son of the chancellor^s. Such marriages attended the ignominious sovereignty of James III.

^s Stewart's Gen. 69. Jean wife of Huntley, Douglas Peer. 299, was apparently daughter not of the first, but of the second, James.

BOOK VII.

BEING

THE FIRST PART OF THE REIGN OF JAMES III.

Minority of James III—regency—Henry VI and his queen in Scotland—Berwick acquired—house of Angus rivals the former power of Douglas—war with England—truce—death of Mary of Gelder—of bishop Kennedy—Boyds in favour—parliaments—Mary the king's sister wedded to Sir Thomas Boyd earl of Arran—marriage treaty with Denmark—Orkneys ceded to Scotland—Margaret of Denmark arrives—fall of the Boyds—character of James—parliament—reflections on some despotical measures—parliament—St. Andrews an archbishopric.

1460
10 Aug. **T**HE castle of Roxburgh being demolished, the Scottish leaders performed ceremonies of homage, and fidelity, to their young sovereign, now in his eighth year, at the neighbouring town of Kelso, and then proceeded to the fortress of Wark which they also destroyed. Contented with their success, and anxious to settle the government of their country, they returned and dismissed the army¹.

¹ Lesley, 311. Lindsay 108. Buchanan, lib. XII, c. 1. The date of the coronation, (St. Lawrence's day,) may be found in the chronicle at the end of Winton, ms. Reg. 17 D.XX.

Soon

Soon after a parliament was held at Scone; and the king's coronation was solemnized. The queen mother, who had the sole care of her royal son, his brothers, and sisters, appointed that loyal and prudent prelate, Kennedy, to conduct the young monarch's education². The settlement of the regency is not a little obscure; some authors inferring the queen, Mary of Gelder, to have been the sole regent, and to have managed public affairs by the advice of Kennedy; while others add a council of regency, consisting of the chancellor lord Evandale, a natural descendant of Murdac duke of Albany; the earl of Orkney late chancellor, the lords Graham and Boyd, and the bishops of Glasgow and Dunkeld³. But it appears most probable that this council, if it existed, was only of state; and that the ostensible management had, by the will of the late king, or the practice of Scotland, passed to the queen mother, who used the tried wisdom and abilities of Kennedy, in conducting the government. This prelate, by the best influence, that of talents, and probity, and political skill, had acquired an authority before unknown to any churchman in Scotland; a country always more remarkable

² Lindsay, 107.

³ Ib. 107, 108. Lesley, 311. On the resignation of the earl of Orkney in 1458, the bishop of Brechin became chancellor. Andrew Stuart lord Evandale, (or Avondale, Lanarkshire,) a natural son of Sir James Stuart, (that son of Murdac duke of Albany who fled to Ireland in the beginning of the reign of James I,) had been recalled with his two brothers by James II, and appears as chancellor on the accession of James III. Crawf. Off. 37.

The fables, and prolix orations, of Buchanan concerning a contest between the queen and Kennedy, XI, 6—17 were composed by him to serve the faction of Murray against Mary, and deserve severe reprobation, as they evince that he was capable of perverting the very foundation of history.

About the commencement of this reign it appears, from Scotstarvet's Calendars, that James lord Livingston was great chamberlain; James Lindsay provost of Lincluden keeper of the privy seal; Sir John Colquhoun comptroller; David Guthrie of Kincaldrum treasurer; Archibald Whirlaw archdeacon of Moray secretary.

for

1460 for the moderation of its clergy, than for their ambition: and
 { at a period while even the barren wastes of Sweden had become the bloody scenes of ecclesiastical dominion, it is pleasing to observe the Scottish prelates only eminent in honesty, and patriotism.

1461 An important event soon attracted the attention of the Scottish government. Henry VI of England, having been defeated at Toton in Yorkshire by Edward IV, fled to Scotland, 29 Mar. with his queen and son; the dukes of Somerset and Exeter, lord Ross, Fortescue the chief justice, and other persons of rank⁴. While the mental infirmities of Henry confined him at Kirkudbright, his heroic queen advanced to Edinburgh, and embraced in Mary of Gelder a form of similar elegance, a spirit of similar elevation⁵. The resemblance of their dispositions rendered the former alliance an instant friendship. A marriage between Edward the son of Henry, and Mary the daughter of Scotland, was proposed and resolved; but delayed by the youth of the parties, and finally prevented by the misfortunes, and the death of that prince⁶. To conciliate the expected aid, Berwick was surrendered to the Scots; an object often wished and attempted since the disgraceful invasion of Edward Baliol. In return, a Scottish army entered England, June and laid siege to Carlisle, which was held for Edward IV: but the English led by lord Montague raised the siege, and defeated the Scots with great slaughter⁷.

⁴ Hall, 187. Polyd. Virgil, lib. XXIII, p. 511. Harding, f. v. 227 edit. 1543, 4to, (who wrote, f. v. 229, while Henry was in Scotland.) Ferrerius, 385. Lesley, 313. Lindsay, 108. See also the Paston contemporary letters, I, 219, 223. Monstrelet, III, f. v. 61.

⁵ Paston letters, I, 249: Henry was only attended by four men and a boy.

⁶ Monstrelet, III, f. v. 61. Hall, 137. Buchanan, XII, 3.

⁷ Harding, f. v. 227. Hall, f. v. 187. Polyd. Virg. XXIII, p. 511. Mair, 327. Ferrerius, 385. Lindsay, 108. Lesley, 312. Buchanan, XII, 3. The Paston letters, I, 231, bear that 6000 Scots were slain at Carlisle.

So far were the Scottish monarchs from the refined policy of 1461 humbling their nobility, who, in a lawless country and period, formed, as it were, the bonds of fidelity between the king and the people, that James II had, in destroying the power of Douglas, only transferred that influence to Angus, another branch of the family. To gain the assistance of this powerful house, Henry VI now entered into an engagement to give George, earl of Angus, lands between the rivers Trent and Humber, amounting to the yearly value of two thousand marks sterling; and to erect these lands into a dukedom. It was however stipulated that the earl might war on England, at the command of the Scottish king; and that he should not be amenable to the English parliament, or courts of justice⁸.

To balance the influence of Henry in Scotland, Edward IV entered into a negotiation with John of Ilay, earl of Ross, and lord of the Isles, who maintained the independence of his ancestors. By the treaty this potentate, and his numerous vassals, become the liege subjects of Edward, who assigns to the earl a certain pension; and engages that, if Scotland be vanquished by the alliance, the part to the north of the river Forth shall be bestowed on Ross, while that to the south is to be held by the banished earl of Douglas, both acknowledging the superiority of England⁹.

Eager to strengthen her designs by additional assistance, Margaret of England sailed from Kirkcudbright to Bretagne, 16 Apr. where she prevailed on the duke to advance twelve thousand crowns. She then passed to Anjou, to her father, whence she proceeded to the French court at Chinon¹. By an engagement

⁸ Hume Douglas, II, 21, 22, from the original.

⁹ Rymer, XI, 483, 484, 492.

¹ Wyrcestre, 493. Duclos' hist. de Louis XI. I, 177.

1462 to surrender Calais, when in her power, this spirited princess
 23 June induced Louis XI to reinforce her cause with a sum of twenty
 thousand livres, and a permission to Brezé, the high steward of
 Normandy, to accompany her with five hundred men at arms;
 who, with their usual attendants, formed a force of about two
 Oa. thousand men².

She landed near Bamborough, and seized that fortress, Aln-
 wick, and Dunstanburgh. But Edward IV, and Warwick,
 advancing with a numerous army, Margaret and Brezé with-
 drew to their fleet; and passed to Berwick amidst a dangerous
 Dec. tempest, in which several ships, mariners, and soldiers, were
 lost on Holy Island. The three castles speedily surrendered to
 the arms of the English king. Yet Angus and Brezé gallantly
 advanced with a considerable force, and brought off in safety
 Brezé's son, with the French garrison, from Alnwick, in the
 1463 fight of the English army³.

Margaret of England finding all further resistance vain, fled
 with her son, and some adherents, to Flanders, whence she

² Du Tillet, f. v. 144. Duclos, ib. Carte, forgetting that Wyrcestre's work is posthumous, and not finally corrected, so that sometimes events are twice mentioned, strangely supposes Margaret and Brezé to have twice arrived from France and taken Alnwick, 1462, 1463. Wyrcestre's voyages of Margaret in April, and on Good-Friday, p. 492, 493, are one and the same, the latter date being April 16th, 1462. The date of the deed concerning Calais, the plain narrative of Duclos, &c. evince the identity. In April 1463, Margaret went to Flanders, and Anjou, where she remained, Wyrcestre 496; and her presence at the battle of Hexham, 1464, is more than doubtful. In July 1462 it was not Brezé, as Carte supposes, but Talbot who surrendered Alnwick, which he held with an English garrison as a partizan of Henry. Wyr. 493. Redpath and others have been misled by Carte's inadvertence. Stow, Grafton, and other late writers, deserve little credit.

³ Harding, 228. Wyrcestre, 494, 495. Fabian, II, 215. Duclos, I, 179. Leland Coll. II. 499. Lesley, 313. Lindsay, 109. Paston Letters, I, 273.

passed

passed to her father who assigned her a residence and revenue ⁴. 1463
 The battle of Hexham fought by her adherents in the following year was fatal to her cause: while Henry, suspicious of the Scots, ventured into England in disguise; and, after lurking a year in Lancashire, was discovered and sent to the tower of London.

Warwick had artfully shaken the attachment of Mary of Gelder to the cause of Henry, by proposing her marriage with the new English monarch: and the queen dowager seems even to have proceeded to Carlisle, to advance the negotiations ⁵. But her doubtful reputation, and the ruin of Henry's affairs, frustrated the design; and she may appear to have fallen a victim to her mortification on the occasion. Mary of Gelder died on the sixteenth of November, in the flower of her age ⁶.

⁴ Wyrcestre, 496. Fortescue the chief justice seems to have attended her to Flanders, whence he was invited to England. He was soon after questioned concerning some writings against Edward's right, which had been circulated from Scotland into England. His declaration in answer appears, ms. Harl. 1757, f. 188. It is long and curious, but foreign to this work.

⁵ In April 1462, according to Wyrcestre, 493, Warwick met Mary at Dumfries, on the business of the marriage. In the Paston letters, I, 270, there are some singular notices concerning the negotiations in Scotland. "These lords in your other letter, with lord Hastyns, and others, ben to Karlyle, to reffave in the queen of Scots." The same letter asserts that it was agreed that Henry and his adherents should be delivered up to Edward; these terms having been granted by the young lords of Scotland in opposition to the old. The same distinction of party occurs in the minority of James V, which see. The earl of Douglas was, by the treaty, to be regarded as an Englishman; and retired in consternation to the abbey of St. Alban's. It appears that the queen and Kennedy were in concord, in spite of Buchanan's fables; and that their party was that of the young or new lords, created by the house of Stuart; while perhaps Angus, attached by interest to Henry and to war with England, led the ancient aristocracy: but he died this year, leaving a son Archibald only nine years of age. Douglas Peer. Hume, II, 27.

⁶ Mair, 327. Lindsay, 109. Buch. XII. 18. Lesley, 314, gives the month and day.

1463 Her prudence, her spirit, her various virtues and abilities, recommended her to public veneration, and esteem. A widow in the bloom of beauty, and vigour of youth, it would not be a matter of surprise that her chastity was dubious; and even this stain would disappear in the splendor of her merits, for nothing can be more unjust than to infer that the loss of female modesty is the loss of every virtue. But there may perhaps be reason to believe that this charge belongs to calumny, and originated among some of the ambitious and inimical nobles, who vainly aspired to her hand or her power; or, while awed by her authority, despised her sway as that of a woman and a foreigner⁷.

⁷ The Hepburns of Hales, afterwards of Bothwell, were fatal to the reputation of our queens. Adam Hepburn of Hales is charged by Mair, 327, with committing adultery with Mary of Gelder, he being a married man. The charge is repeated, almost verbatim, by Ferrerius, 386, who adds her praise, "*alias mirum in modum laudatissimæ*:" by Lindsay, 109, and alluded to by Buchanan, XII, 18. Sir D. Dalrymple defends her, Remarks, ch. VII, by saying that Mair brought the charge fifty years after her death; but he was advanced in years, when he wrote, and it is to be wished that we had equal evidence for all the events in our history. Sir David omits another evidence, that of Wyrcestre, a contemporary, cited by Carte, II, 766, charging her with an amour with Somerset, whose vanity related it to Louis XI; and Mary in revenge instigated Hales to murder him. Nor could Alexander duke of Albany have branded his brother James III as a bastard, if their mother's reputation had been holy. Her devotion is more apparent, than her chastity, by her foundation of Trinity church and hospital, Edinburgh, 1461, confirmed by the bishop of St. Andrews on the 1st of April 1462. See Arnot's Edinburgh.

Devotion and love are proverbially connected; and it will be difficult for any knight errant to overcome the testimony of Wyrcestre, which moreover completely tallies with that of our historians. "*Menſe Marcii (1462) dux Somerſetiae reverſus eſt de Flandria, in una carvella, in Scotia. Et Regina Scociae habuit ipſum in ſummo odio, eo quod diſcooperuit carnalem copulam cum ea Regi Franciae, et fecit dominum de Haylis ſibi inſidiari ad interficiendum.*" Ad finem Libri Nigri a Hearne, II, 492. See alſo, Leland Itin. V, 94, her ſuſpected amour with Gray of Northumberland.

Nevertheless

Nevertheless the bishop of Glasgow, and other ambassadors, 1463 met the commissioners of England at York; and a truce of about one year was concluded. The support of Henry's cause 19 Dec. was formally abandoned by Scotland; and Edward on his side resigned that of the banished earl of Douglas: but the deposed king and peer were to remain inviolate in the respective realms to which they had fled for refuge⁸.

The truce, lately concluded with England, was violated. 1464 The young duke of Albany, proceeding to Gelderland, with a numerous train, after having procured a safe conduct from the English monarch, was nevertheless captured at sea: but, by the spirited remonstrances of the Scottish government, declaring instant war in case he were not released, his deliverance was speedily effected⁹. This event appears to have been accidental, for the truce was immediately extended to fifteen years¹; and in the following year to the term, before unknown, 1465 of fifty-four years, closing at the last day of October 1519²; a vain space, and soon to be interrupted! Edward IV, dissolved

⁸ Rymer, XI, 517, gives the commission of James; the terms of the truce are taken by Abercromby, II, 390, from the original in the Scottish records: but this author seems mistaken, when he mentions the bishop of St. Andrews as an envoy. There is indeed a safe conduct to that prelate 5 Dec. 1463, Rymer, XI, 509, but not as envoy; though the other persons there named were the ambassadors.

Perhaps it was on this occasion that a declaration was given by Thomas bishop of Aberdeen, Crawford, Hamilton, &c. that the earl of Oxford, on coming to Scotland in 1461, was ordered to retire, and fold no ships there. Rymer's unp. papers, No. 4613, art. 48.

⁹ Mair, 328. Lindsay, 110. Lesley, 314. Ferrerius, 386. Buch. XII, 18. His passport is dated 20th April. Rymer, XI, 520.

¹ Rymer, XI, 525, 1 June.

² Ibid. 557. The commission of James is dated at Down in Menteith, 28 Nov. 1465: ib. 549.

In 1464 the lords of Vere and Tourhon arrived in Scotland, as ambassadors of Charles duke of Burgundy, and renewed the alliance. Lessl. 314.

1465 in luxury, and more fond of pleasure than of war, eagerly wished that the Scottish king should wed an English lady, and that a perpetual peace should be established between the kingdoms; while the government of Scotland, influenced by bishop Kennedy, seemed at length to have learned that war was no path to solid advantages. The new politics of Louis XI, his avarice, his want of faith, seem also to have had some weight in the pacific inclinations manifested by Scotland³.

1466 The death of bishop Kennedy, a prelate of high and deserved
10 May reputation, excited much public regret. A grandson of Robert III, his virtues, and abilities, conferred a greater glory than his royal descent⁴. His wisdom, his munificence, his public spirit, secured the applause, and gratitude, of his country: and his fame would diffuse a strong and steady light, independent of the darkness of a barbarous age. Upon the death of the queen mother, he appears to have retained the chief management of affairs, by the declared will, or implied consent, of the nation. To the foundation of the college at St. Andrews, this prelate added two other monuments of his wealth,

³ Duclos hist. de Louis XI, I, 291, mentions an embassy from Scotland, in 1465, to reclaim Xaintonge, and support the duke of Bretagne against the ambition of Louis. The matrimonial connections with Bretagne and Burgundy operated almost to a dissolution of the alliance with France.

Buchanan following, as usual, the fabulous Boyce, and with his own wonted neglect of chronology, arranges as in 1465 an insurrection of Donald of the isles, dated by Boyce in 1461. When Boyce wanted materials in whatever stage of his history he always raised a Donald of the isles, the perpetual ghost of his pages. From 1427 to 1448 Alexander was lord of the isles; John from 1448 to 1475. Suth. Case, 30, 31. Dougl. Peer.

⁴ Mary daughter of Robert III was first wedded to George earl of Angus, and afterwards to Sir James Kennedy, by whom she had issue Gilbert lord Kennedy, and the bishop. Stewart's Gen. 62. The second George earl of Angus, who died in 1463, was uterine brother of bishop Kennedy. Ib. Dougl. Peer. Hume, II, 11.

his tomb of the finest gothic construction, and a ship of great 1466
 size called the Bishop's Barge. The former was sacred to the
 idle pride of the times; but in the latter he might reproach his
 nation with inattention to commerce, and maritime affairs,
 and hold out an example for their imitation. It is asserted
 that the expence of these three objects amounted to ten thou-
 sand pounds sterling each; or a total sum equal at present to
 about three hundred thousand pounds: but it is hardly con-
 ceivable that, even in twenty-six years of prelacy, and five of
 public emolument, such a treasure could have been amassed.
 Eminent in knowledge of the civil law, in the learning of the
 age, in the experience of men, and manners, and politics, the
 late king, the nobles, submitted to his wisdom as to that of a
 public parent. Nor was the bishop less respectable than the
 counsellor of state, in enforcing the residence of his clergy, their
 regular preaching, and visitation of the sick; and in affording an
 example, by preaching four times in the year at every church
 of his diocese, by inspecting the maintenance of the poor, and
 the education of youth, and by the vigorous punishment of
 clerical negligence^s.

The king, now in his fourteenth year, being delivered from
 the stern instruction of the prelate of St. Andrews, became a
 prey to flattering courtiers. Among these Robert lord Boyd
 was distinguished for his conciliating manners, and interested
 cunning. His sons, Thomas and Robert, were introduced to
 the royal favour; and their uncle, Sir Alexander Boyd, a

^s Compare Mair, 328, who, amid much praise, justly blames Kennedy for
 holding the *commendam* of Pittenweem with his bishopric; and for the proud ex-
 pence of his tomb. It is singular that Mair should mention the *commendam* as
 small, *exigua*, and yet estimate its revenue at eight hundred pieces of gold: should
 we read eighty? Lindsay, 110, gives a *naïf* character as usual. Ferrerius, f.
 v. 337, Lesley, 314, Buchanan, XII, 23, join in the applause.

1466 mirror of chivalry, was appointed to superintend the military exercises of the youthful sovereign⁶. After the death of Kennedy, the Boyds had proceeded to such audacity that, when 9 July the king was sitting in the exchequer at Linlithgow, they constrained him to proceed with them to Edinburgh, and to remove from his presence those who had been ordered to attend him by the parliament⁷. This violence, which had been declared direct treason by a late act, was in a very few years to furnish means for the condemnation of the perpetrators.

9 Oct. A parliament being summoned to Edinburgh, lord Boyd was solemnly pardoned by the king; and appointed governor of his person, and of the princes, and royal castles, and afterwards one of the council chosen to conduct the marriages of James, his brothers, and sisters⁸. The privileges of the church were, as usual, ratified: it was ordered that the dowery of the future queen should amount to one third of the royal revenue, in lands and customs: several regulations to restrain the avarice of the clergy concerning pensions, and commendams, were issued: and a statute of Robert I, denying to any Englishmen benefices

⁶ Ferrerius, 386, Buchanan, XII, 21. Lesley's brevity omits much: and Lindsay, 114, unaccountably passes ten years, 1468—1478. The Boyds, and other western families, seem to have been favoured by bishop Kennedy, whose patrimonial connections lay in that division.

⁷ See an extract of the trial of the Boyds in 1469, in Crawf. Off. 316, 317. Buchanan, XII, 22, erroneously supposes the affair to have happened before the death of bishop Kennedy. His *John* Kennedy was *Gilbert*, elder brother of the bishop: Rudd. notes 443. But his whole account is a fable, and irreconcilable with the trial. Fabulous elegance, and a complete confusion of chronology, are the general features of Buchanan's history. Lesley is infinitely superior in veracity and exactness.

⁸ A solemn pardon was granted to Boyd, Adam Hepburn *apparent* (heir) of Hales, John lord Somerville, and Ker *master* of Cessford, 5 Oct. Scotst. Cal. Boyd had a grant of the office of governor of the king, his brothers, and castles, 25 Oct. Ib. As to the marriages see Crawf. Off. 315. Acts, f. 46, c. 2.

secular or religious in Scotland, was confirmed. For the ¹⁴⁶⁶ further security of the public peace, high fines were imposed upon the *burrows*, or pledges, of those who had been obliged to give security for their behaviour, and afterwards violated the paction. This parliament further ordained that no person should send money out of the kingdom, nor take more with him than was necessary for his expences, under pain of forfeiting the sum, and ten pounds more: an ineffectual provision for the want of industry, and calculated to fetter commerce, and increase that poverty which it was intended to prevent. The increasing wealth of England rendered the poverty of Scotland more conspicuous: but we in vain peruse the Scottish acts of parliament, to find encouragement given to the woollen trade, or to manufactures, or any invitation to foreign manufacturers, to settle in the kingdom. On the contrary the regulations seem only adapted to banish commerce; and in consequence depress industry; and as it can hardly be conceived that the commissioners of the burghs were blind to their own interest, there is room to believe that the overbearing nobles, and prelates, intended to crush the wealth of the citizens, a subject of their envy and scorn. The Scottish money was now to the English as one to three; and the Scottish silver penny became a most diminutive coin, so that it could not be cut into quarters, or farthings, as formerly: for the benefit of the poor, this parliament decreed that billon farthings, of copper mixt with a small portion of silver, should be issued, being the first example of that coinage in Scotland⁹.

The national council, having again assembled, published ¹⁴⁶⁷ several decrees wholly regarding commerce. It was instituted ^{31 Jan.} that none but freemen of burghs, and their domestic factors,

⁹ Acts, f. 46—f. v. 47.

1467 and servants, should pretend to foreign trade, except the bishops, lords, barons, and higher clergy, who might send their servants: that no craftsmen should engage in foreign merchandize: that none should aspire to trade, who had not a certain property: that no ship should sail, without a formal agreement between the merchants and the master of the vessel; nor enter upon a voyage in winter: that no merchant should freight any vessel to certain towns in Flanders, among which Bruges, the grand staple of commerce, is mentioned, but that Middleburg should be the only allowed port in the Netherlands, while Rochelle, Bourdeaux, and the other havens of France, are left free as before; an ordinance apparently proceeding from some fresh dissention with the Flemings¹.

Meanwhile the Boyds proceeded in their ambitious designs, and collected a power too heavy for them long to support. Strangers to the prudence of moderation, their career was rapid in the extreme; and the nation beheld with disgust, and surprise, their influence so far abuse the weak youth of the king, as to procure his eldest sister, who had been affianced to the son of Henry VI, in marriage to Sir Thomas, the son of lord Boyd. The island of Arran, and other lands, were given as the dower of the princely bride, and erected into an earldom in order to elevate the station of her husband, who was at the same time created constable of Scotland². This connection was the more invidious, as lord Boyd was one of those who had been appointed to manage the nuptials of the royal family; and as it was asserted that the princess had been promised to

¹ Acts, f. v. 47—f. v. 48.

² In Scotstarvet's Calendars appear grants of the lands of Arran, Stuartoun, &c. to Mary countess of Arran, and Thomas *lord Boyd* earl of Arran her husband, dated 26 April 1467. He is constable in October. Carm. Tracts, p. 48.

Hamilton's son, as a recompence for his critical services to her father, in withdrawing his forces from Douglas³. 1467

The statutes of the two next sessions of parliament chiefly concern the state of money in the kingdom⁴; and must have excited discontent by the repeated alterations of the value, a symptom indicative of a weak or a pernicious government. Scottish money now became to the English as one to four; a circumstance rather imputable perhaps to the increasing wealth of England, than to the penury of Scotland; though in the latter country a great source of abundance had been stopped, by the long discontinuance of inroads into England, whence a degree of opulence had arisen, from the spoil and the ransom of captives. However this be, the unpopular example of James III long served as a beacon to warn the succeeding monarchs, and there is no further alteration in the value of money till the reign of Mary. 12 Oct.
1468
12 Jan

Among the singular incongruities of human affairs, may be classed the fortune of the third James. His feeble and tyrannic reign was, in its commencement, graced with the capture of Roxburgh, the reddition of Berwick, and the important annexation of the Orkneys to the Scottish monarchy; any one of which events would have reflected honour on the able reigns of his father, or grandfather. Let us then abandon the maxim, that political prudence, and success, are the same. The acquisition of the Orkneys forms an incident, so remarkable in itself, and attended with such lasting consequences, that no apology need be offered for entering into some detail upon this interesting subject.

That the Orkneys were considered as a part of Pikland, till the Norwegians seized them, with the Hebudes, in the ninth

³ See Abercr. II, 397, but the assertion is more than doubtful.

⁴ Acts, f. 49, 50.

1468 century, has been before explained. When the latter islands were, in 1266, so far recovered by Alexander III, that the Norwegian kings resigned the title of their sovereignty to the Scottish, though the Lords of the Isles never paid homage, except by a constraint which seldom occurred, the Orkneys still remained an earldom, acknowledging no superior but the king of Norway. The Norwegian line of earls failed about the year 1330, in the person of Magnus V: and the earldom passed, by female succession, to Malis earl of Strathern⁵; who leaving only daughters, William Sinclair obtained the Orkneys, in right of his marriage⁶; and in this family they long remained. The undoubted superiority however rested with the kings of Denmark, to which Norway had been annexed since the year 1387; they continued to give the investiture; and, on the failure of heirs, or any pretext of rebellion, or neglect of allegiance, might have resumed the property. The Norwegian and Danish monarchs even considered the house of Sinclair as rather invested with the titular, than with the real, succession; and sometimes appointed other governors⁷.

When Hakon VI, in 1379, admitted the claim of Henry Sinclair to this earldom, his investiture was burthened with severe conditions: 1, Sinclair was considered as being appointed governor, and earl, of the Orkneys, by an absolute grace of the king: 2, besides precise fidelity upon all occasions, he is bound to serve his sovereign with one hundred men completely armed, when required, upon a notice of three months:

⁵ His right is rather obscure, but it appears to have been by marriage. Diploma of 1443 in Wall. Ork. and Orkn. Saga, p. 552.

⁶ Ibid. 553. William was succeeded by Henry Sinclair, the first of that name, 1369—1392? He was followed by the second Henry, who died in 1420. The next was William, the celebrated chancellor, who in 1470 surrendered the Orkneys to the crown. Crawf. Off. 35.

⁷ Torf. Hist. Orc. 178.

3, to defend the Orkneys, and Shetland, against any invasion, 1468 not only with the native force, but with the whole power of his house: 4, to exert both the said powers in assistance of his Norwegian sovereign, when he attacked any foreign state: 5, not to build any castles, or forts, in the islands without the royal consent: 6, to maintain all the inhabitants in their own laws: 7, not to sell, or impledge, the earldom, or the right to it: 8, to be bound to answer for maladministration according to the laws of Norway: 9, to attend the king upon any just cause, or at the national council: 10, to assist Hakon against the bishop of Orkney: 11, the earldom is to return to the king, in case there are no male heirs: 12, Sinclair is to pay to the king one thousand gold nobles. The deed contains other strict clauses, unnecessary here to commemorate: nor need it be added that Sinclair, in case of a war, must have chosen between his Scottish and Norwegian fidelity, in a certainty that the possessions under both could not be retained⁸.

The direct sovereignty of the kings of Denmark and Norway, over the Orkneys, appears most evidently in the years between 1422 and 1434, when different governors were appointed, as would seem during a minority in the house of Sinclair; for in the latter year the investiture of this earldom was, by Eric the Danish monarch, conferred upon the celebrated William Sinclair, afterwards chancellor of Scotland. To this great man, who held the earldom, when the cession was made, it may appear that Scotland was not a little indebted for this advantage⁹.

Another

⁸ Deed of Investiture in Torf. Orc. 174—177.

In 1380 happened the strange voyage of Nicola Zeno to Shetland, published at Venice 1558, 8vo. The learned dissent much with regard to its veracity. If real, his Frisland is the Ferro islands; and his Zichmni is Sinclair. His book is one of the most puzzling in the whole circle of literature.

⁹ In 1418 John Sinclair paid homage to Eric king of Denmark for Hialtland or Shetland. Torf. 178. In 1422 the earldom of Orkney was assigned to Thomas

1468 Another object to be considered upon the present occasion, as leading to the final treaty between Denmark and Scotland, is the *annual of Norway*, as it is termed in a Scottish act of parliament¹. When after the unsuccessful expedition, and death, of Hakon IV, Magnus V king of Norway, had, in 1266, ceded the Hebrides to Scotland, it was stipulated, in the treaty, that the Scottish kings should pay the annual sum of one hundred marks, as an acknowledgment for the renunciation. This small sum, as might be expected, was rather allowed to accumulate, than regularly paid, especially when any commotions intervened in the Scottish government. The treaty had been confirmed by Robert I in 1312; and by James I in 1426². But, in 1457, the payment had been neglected for a long period; and Christiern I, in whom the house of Oldenburg had nine years before ascended the Danish throne, having at length attained possession of the sceptres of Denmark, Norway, and Sweden, and having in the preceding year concluded an alliance with France, remonstrated, even with menaces, upon this account to the second James³. The object had been considered as of such importance by the Danish monarch that, in the treaty with France, a special article bore that, in case of any dispute with the Scottish king, upon this occasion, Denmark should be secure of the friendship of France⁴. It appears indeed that the sum demanded by Den-

Thomas the bishop. Ibid. In 1423 to David *Meyner* of Weems a Scottishman, ib. perhaps *Weymes* of Weems. In 1427 it was restored to the bishop. Torf. 182. Earl Henry died in 1420, Bowar, 460; William was not invested till 1434. Torf. 183.

¹ Acts, 1466, f. 46.

² Torf. 198.

³ Ibid. 183. The name is spelled Christiern (Miles Christi,) by the kings themselves, till about 1550, when *Christian* appears. Many papers, Vesp. F. III.

⁴ Ibid.

mark was large; for the penalty of ten thousand marks, for ¹⁴⁶⁸ each failure, was charged: and the aggregate in forty years of omission arose to four hundred and four thousands of marks sterling, or nearly ten millions of present currency⁵. After some negotiation, the commissioners of Denmark and Scotland at length appeared at Paris, in the year 1460, in the presence of the French king Charles VII. The Danes only producing a copy of the agreement between Eric and James I; and the duplicate original of the Scottish archives being in the possession of the bishop of St. Andrews, the chief of the embassy, who had been arrested by sickness at Bruges; the Scottish envoys seized the occasion to start objections. The penalty, they affirmed, could not be incurred as the treaty had not been infringed, but only neglected; and they even hinted that the long forbearance, on the part of Denmark, implied a prescription. Charles, wishing to conciliate his allies, alledged the absence of the original treaty as a ground of indecision: but prudently recommended a marriage between the heir of Scotland, and the daughter of the Danish sovereign, as the best mean of terminating the difference. After some consideration of this proposal, the Scottish envoys, who appear to have had previous powers, assented, upon condition, that the arrears of the annual sum payable for the Hebrides should be discharged, and the payment for ever remitted: that the king of Denmark should abandon his right to the Orkneys and Shetland; and pay one hundred thousand crowns for the decoration of the royal bride. The Danes required time to consult their court, but in the meanwhile James II was slain:

⁵ Torf. 184, speaks of forty years: in p. 185, of twenty-six. The last seems an error, arising from a date 1426, p. 185. Yet from 1426 to 1460 are but thirty-four years. See here May 1426.

1468 upon which event, the king and council of France recommended delay and deliberation ⁶.

It was not to be supposed that the Scottish government would neglect an object of such moment; and the king's approach to maturity recommended it to increasing attention. The parliament of 1466 had considered the marriage of James as connected with the *annual of Norway*: but nothing further arises till the present year, when Christiern sent to demand the payment, expressing at the same time his wishes of amity with the Scottish monarch. In his answer James protested an equal desire of friendship with Denmark, a country of such proximity to Scotland, and so much connected by mutual commerce; and promised to send ambassadors in order to conciliate this, and other affairs ⁷. Accordingly full powers were granted to lord Evandale chancellor of Scotland, Boyd earl of Arran, the bishops of Glasgow, and the Orkneys, and other persons of inferior note, to visit the courts of France, England, Spain, Denmark, Burgundy, Bretagne, Savoy, and other regions, that they might select a wife for James, and contract the marriage; a general commission either intended to provide for a failure in Denmark, or to flatter the Danish court by the appearance of choice, and preference ⁸. This honourable embassy proceeded to Copenhagen; and awaited Christiern's return from Sweden ⁹.

Christiern I was one of the most powerful monarchs who had ever held the Danish sceptre. Possessed of the three northern kingdoms, and of the duchies of Sleswick and Holstein, pious, prudent, liberal, and a lover of peace, he was regarded with veneration by the neighbouring princes, who constantly chose him as the arbiter of their differences. But the frequent tu-

⁶ Torf. 184—186.

⁷ Torf. 187.

⁸ Commission in Torf. 192.

⁹ Torf. 187.

mults of Sweden, and the repeated ascents of Charles Canutson ¹⁴⁶⁸ upon the throne of that kingdom, one of which happened this year, joined with the sums paid for the acquisition of Sleswick and Holstein, had exhausted the penury of the Danish treasure. No king of Denmark had ever rendered his influence so much known in Europe, by foreign alliances; among which that formed with France against England was the chief: and a connection with Scotland, important in itself, was further recommended by mutual friendship and enmity. These circumstances considered will abate any surprize at the conduct of Christiern, in abandoning to Scotland the islands of Orkney and Shetland, remote and little profitable to Denmark; and commanded by a Scottish family, of divided, and uncertain fidelity.

But to Scotland the proximity of these islands, and the universal belief that they had anciently belonged to the monarchy, rendered their acquisition a matter of glory, and importance; not to mention their intrinsic value, which was far from being inconsiderable. The Scottish ambassadors, aware of the weight of their negotiation, conducted it with zeal and prudence; but could not prevail upon Christiern to grant an immediate dereliction of the Orkneys and Shetland; while his desire of the alliance, and his poverty, consented to impledge them for the greater part of his daughter's portion. The chief articles of this memorable treaty were; 1, that the arrears of the annual sum arising from the Hebudes, should be remitted, with all the penalties; and no future payment should be demanded from the king and queen of Scotland, their heirs and children: 2, that the bride's portion should amount to sixty thousand florins, of which ten thousand are to be disbursed before

"Eorumque heredibus ac liberis duntaxat." Torf. 195.

1468 the leaves Denmark with the ambassadors; and for the remaining fifty thousand Christiern, with the advice and consent of the prelates, peers, and chiefs of Norway, assigns the islands of Orkney, as a pledge to be retained, till redeemed by him, or any future Norwegian king: 3, that James should, in case of death, confirm Margaret of Denmark in the possession of the palace of Linlithgow, and castle of Down in Menteith, with their territories; and in a revenue of one third part of the royal income: 4, that if the queen should in widowhood chuse to leave Scotland, she should, instead of this provision, accept one hundred and twenty thousand florins, of which fifty thousand should be esteemed paid upon the redeliverance of the Orkneys; provided that the queen did not marry any Englishman of whatever rank².

The Swedish commotions continuing to consume the Danish revenues, the delay of the payment agreed on protracted the residence of the Scottish embassy at Copenhagen; and Arran returned to Scotland, to lay the terms before James; and obtain instructions concerning the conveyance of the bride. Winter now approached, and the ice and storms of a Scandinavian sea being dreadful to the ambassadors, and their fair charge, it was resolved that the voyage should be delayed till 1469 spring; when Arran, with a noble train, again proceeded to Denmark³. The Scottish peers envied not his commission; but resolved to avail themselves of his absence, by completing, what on his former departure they had commenced, his ruin and that of his family. Christiern had not replenished his 20 May treasury; and his despair of supply prompted him, while he alleged the Swedish war as an apology, to offer the islands of Shetland, on the same terms with those of Orkney, but a

² Ibid. 95—197.³ Torf. 188.⁴ Ferrer, f. v. 388. Buch. XII, 27.

pledge only for eight thousand florins; while he paid the re-¹⁴⁶⁹maining two thousand, a sum now equal to about twenty thousand pounds⁵. The offer was instantly accepted: and since that period the Orkneys, and Shetland, have been gems of the Scottish crown⁶.

Margaret of Denmark arriving at Leith, the royal nuptials, July and her coronation, were celebrated with much joy; for the king and the nation exulted in the merits of the queen. She was now only in her thirteenth year; but to eminent personal charms, she was to unite such excellent manners, and unaffected piety, that her example became a living lesson of virtue. The pomp of her reception corresponded with her worth, and the value of her dower: and the grandeur of the ceremonies was long after remembered with applause⁷.

⁵ Torf. 188.

⁶ In 1470 William Sinclair earl of Orkney resigned his claims to the king. Scotstarvet narrates a grant to William earl of Caithness, lord Sinclair, of the castle of Ravenscraig, and lands adjacent, in recompence for his castle of Kirkwall, "and his haill richt of the erledom of Orkney;" 17 Sept. 1470. Of the same date are many other advantageous grants; an engagement that no revocation shall take place though the king be a minor; a gift of forty marks yearly out of the great customs of Edinburgh; liberty to live where he pleases, except in England, and receive his rents; a complete discharge from James and Christiern of all claims whatever, &c. Scotst. Cal. In 1471 the earldom was, in consequence, formally annexed to the crown. Crawf. Off. 35, from the records of parliament. Abercromby II, 429, erroneously supposes it forfeited in 1479.

Torfæus, Orc. lib. III, p. 207—228, attempts to prove that the Orkneys may still be redeemed by Denmark. They were claimed in 1549, 1558, 1560, 1585, 1640, 1660, 1667. Torfæus wrote in 1697: and the claim, on its first revival doubtful, as buried in proscription, may now be considered as totally lost. Nature by proximity assigned them to Scotland: and the possession by the Norwegians for six centuries was only an usurpation of maritime force.

⁷ Mair, 328, who here closes his history of Scotland. Ferrerius, 389, exhausts rhetoric in her praise. Lesley, 315, joins in the applause.

1469 Amid the general joy, one family was lost in cares, and in
 all the remorse of imprudent ambition. The sudden elevation
 of the Boyds had excited uncommon envy; and their pride
 had created numerous and powerful enemies. During the
 last absence of Arran, such influence had been exerted, that
 James had passed from extreme favour into a total alienation
 from that family; and it was natural that, as he advanced in
 years and intelligence, he should become inimical to a house,
 which had so grossly abused his power and his youth. As
 soon as the ships which conveyed the Danish princess, and her
 attendants, had arrived in the Forth, the sister of James with
 a laudable zeal for her husband, hastened on board to inform
 Arran that Scotland was now to him a hostile, and dangerous,
 soil. They fled together into Denmark, Arran hoping that
 his wife would prove a pledge for his safety^s. But the Scottish
 monarch yet further irritated by this insult, proceeded to ex-
 treme measures against the Boyds. The chief of the family,
 lord Boyd, had an idle recourse to arms: his few followers
 disbanded, upon the first rumour of the royal standard being
 20 Nov. displayed. A parliament was held: the charge against the
 Boyds chiefly rested upon an action of declared treason, the
 removal of the king from Linlithgow: it was pleaded that
 this deed had been pardoned in open parliament: the answer
 seems to have been, that the possession of the king's person
 had, upon that occasion, given the Boyds such influence, as to
 22 Nov. constrain the legislative body. Sentence was pronounced;
 and Sir Alexander Boyd was beheaded. Lord Boyd escaped
 his brother's fate, by retiring into England, where he died in
 a few years at Alnwick, under the united pressure of age, and

^s Ferrerius, 387, by anticipation: Lesley, 315. Buch. XII, 30.

pledge only for eight thousand florins; while he paid the remaining two thousand, a sum now equal to about twenty thousand pounds⁵. The offer was instantly accepted: and since that period the Orkneys, and Shetland, have been gems of the Scottish crown⁶.

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⁷ Mair, 328, who here closes his history of Scotland. Ferrerius, 389, exhausts rhetoric in her praise. Lesley, 315, joins in the applause.

1469 bed produced James, created earl of Arran in 1503; and Elizabeth, who wedded Matthew earl of Lennox².

The king, who had now nearly attained his eighteenth year, was, upon his marriage, regarded as arrived at the age of majority; and the reins of state were left entirely in his hands. His person was elegant, his mind weak. In attachment to favorites, in superstition, in love of retirement, and literature, he not a little resembled James VI. The other chief features of his character were avarice, caprice; and a delight in architecture, music, and astrology, too violent to leave room for the duties of a monarch. His aversion to the severity of public business rendered the relaxation of his government obnoxious to the united evils of anarchy and tyranny: for, besides a fixed inclination to despotism, his impatience of slow and moderate measures prompted him to sudden acts of outrage; and his favorites oppressed the people, while the indolence of the king abandoned the reins of justice; and his lenity to the bad was cruelty to the good. His sceptre was so little stained with blood, that the future fate of his brother may excite doubt, or astonishment: yet oppression may proceed by rapid, though silent, steps, while the fears and weakness of the sovereign constrain him to shrink from sanguinary violence³.

After

² Stewart's Gen. 69. Crawford, Stuarts, 40. Buchanan says the children by Arran were born during his residence in the Burgundian dominions; and Palton's praise above recited indicates his attachment to his wife. It seems probable that his death, and not a divorce, separated them. Abercromby, II, 409—414, discusses this obscure subject. That the princess wedded Hamilton in 1474 is evinced by the contract of marriage, among the charters of the duke of Hamilton, Abercr. II, 411; and by a grant of some lands to James lord Hamilton, and Mary the king's sister his spouse, 12 July 1474. Scott's Cal.

³ Compare Ferrerius, f. v. 390, Lindsay, 115; Lesley's account of this reign, for, contrary to his usual practice, he gives no general character. Buchanan, XII, 62, shews candour; and a lover of the arts would wish to apologize

After the condemnation of the Boyds, the parliament continued to sit, and issued several statutes⁴. The privileges of the church were confirmed, as not unusual at the commencement of a reign. Among many acts of less importance, some deserve particular notice. In order to prevent the frequency of murder and homicide, which, as the statute declares, had of late become very common, it is decreed that every man-slayer, who flees to the sanctuary, shall be brought out, and delivered to a trial by jury; that if the case be not accidental he may be put to death, no murderer having any legal claim to sanctuary. By the writ, called a brief of distress, the property of the poor tenants was liable to seizure, for the debts of the landlord; an injustice which this parliament condemns, and declares that the tenants shall only be answerable to the amount of the rent due. These acts, and others more minute, as that for the preservation of salmon and trout, and that ordering registers to preserve important writs, deserve praise: but some there are of a different complexion, and which seem to contain the first germ of despotism ill understood. The election of aldermen, (afterwards called provosts,) and baillies, is formally wrested from the people of the burghs, upon pretence of avoiding annual clamours; and, by a ridiculous aristocracy, the old council of each burgh is to chuse the new; and both united are to appoint the alderman, the baillies, and other officers. The institution of the lords of the articles is lost in

apologize for the third James, their patron; and who fell, because he loved and rewarded them to excess, while the proud aristocracy murmured to see artists for the first time share their wealth and honours.

Drummond, 116, describes James III as tall, his hair black, countenance oval and adust. The picture at Kensington confirms these features, unlike those of the family of Stuart; and which might weigh with the vulgar as an argument that he was spurious, as the malice of Albany pretended.

⁴ Acts, f. v. 51—55.

1469 the darkness of the fourteenth century, and that innovation seems rather an ignorant, than a designed, attempt upon the liberties of the parliament, and of the nation. But the present was a flagrant infringement of the freedom of the people; and though the commissioners of the burghs were generally magistrates, who gained by the court, or by private interest, sanctioned this measure, yet the nation saw it in a proper light, and the monarch soon became an object of public detestation. Another statute of this parliament speaks a new, and strange, language; "it is thought proper that the court of parliament, justice's court, chamberlain's court, and *such like* courts, which continue their sessions, need not be continued from day to day; but that they be of the same force, until the time that they be dissolved, the parliament by the king, the justice's court by the justice, the chamberlain's by the chamberlain, and so in other *such like* courts." It is unnecessary to add that the legislative assembly of the nation is here, for the first time, put upon the mean and dependent footing of a mere court of justice, existing by the royal pleasure; and assimilated, in terms of contempt, with the inferior courts⁵. This novelty calls for a pause, to discover, if possible, the motives, and advisers, of such measures.

The youth of James, at this period, and the weakness he afterwards discovered, lead to a strong suspicion that some favorite minister, or ministers, were the real authors of the despotic procedure, which, during this reign, disgusted all orders of men. But so barren are still our materials, concerning the internal government of the kingdom, that conjecture,

⁵ Acts, f. v. 54, c. 46: *continued* is *prorogued, adjourned*. It is risible to observe Guthrie, amid much wise discussion, pass these acts in silence, IV, 107; while, at a loss to find instances of the despotism ascribed to this king, he interprets as such, IV, 105, the fate of the Boyds, and the marriage of the king's sister to Hamilton!

and

and probability must supply the defect of clear information. ¹⁴⁶⁹
 The power of the chancellor became, in this reign, yet more remarkable than at any prior period; and he now obtained the high distinction of a precedence next to that of the princes of royal blood⁶. In parliament he presided, and directed the lords of the articles; and in fact the whole legislative body. This office during the far greater part of this reign, from 1460 to 1482, was filled by Andrew Stuart, lord Evandale, the natural son of Sir James Stuart, son of Murdac duke of Albany. It appears to be a novelty in our history that one so nearly connected with the royal family, especially when Evandale and his brothers were legitimated by the king's mandate in 1472, should hold this important office: and there is room to suspect that Evandale sacrificed his duty to the nation to the aggrandizement of the royal family, which he regarded as his own. Besides this motive, other circumstances conspired to extend the prerogative during this reign, unhappily not upon the prudent plan, soon after to be followed by Henry VII of England, in depressing the nobles and raising the people; but upon that already established by Louis XI of France, in crushing the spirit and freedom of the commons, with those of the aristocracy. In Scotland the people never knew their own weight, and the government turned between aristocracy and despotism; the nobles and the king commonly forgetting the nation, which deserved the neglect while it silently abandoned its awful claim. But till James VI acceded to the English throne, and left the Scottish nobles at a great distance, and in a degrading inferiority, despotism made but a slow progress in Scotland, and the chief evils arose from the aristocracy which prevented the progress of industry and civi-

⁶ Dr. Gilbert Stuart on the Public Law and Constitution of Scotland, chap. iv, p. 32, edit. 1784.

1469 lization. Yet the conduct of James III seems to evince that the nation could have no reason to prefer the power of the king to that of the nobles; for the despot who prescribed degrading laws, and expressed open contempt for the nation, represented in its legislative assembly, was yet more inimical than the aristocracy; which, even by its dissensions, maintained, in some degree, the freedom, the vital current of the nation. A chief motive of the arbitrary procedure of James III appears to have arisen from the temporary humiliation of the nobility; who, though still possessed of equal power, as they were after to shew in the imprisonment and slaughter of their sovereign, yet were awed for a time by the ruinous examples of the houses of Douglas and Boyd. The contemporary reign of Louis XI⁷ seems also to have corrupted the counsels of James; for not only did the alliance with France introduce, at different times, many imitations of the French government and institutions into Scotland, but James seems to have selected Louis for his particular model; yet as a man of abilities never imitates, so happily, in the present instance, abilities cannot be imitated. Crimes and faults may: and we behold Louis reflected, so to speak, by James, in the heavy suspicion of a brother's blood, in contempt of the nobility, and in the choice of low favorites, in an appearance of devotion, in attachment to astrology, in avarice, in a life of retirement and jealousy, and in the love of arbitrary power. In their attention to some sciences they were also similar; and the patronage of Louis to an ingenious foreigner, Galeotus Martius, is rivalled by that of James to

⁷ 1460—1482. Buchanan, XII, 62, adds the cruel example of Edward IV of England 1460—1483, and the succeeding one of Richard III. In fact James appears to have been more attached to England than to France: nor is there a renewal of the French league from 1448 till 1492 recorded in Du Tillet, or the *Ms. Leagues*. But the politics of James were in constant fluctuation. See 1484.

another,

another, William Roger, the English composer of music⁸. 1469
 But the success of their political plans was very different. Louis, assisted by chance and circumstances, laid the lasting foundation of absolute power, levelled the nobility, crushed the people; and by discontinuing the states general annihilated national freedom. James wished to establish arbitrary government by the depression of the nobles, and the people; and by converting the national council, which neither his abilities nor his power would permit him to discontinue, into a mere court: but he forgot that neither his revenue, nor his authority, corresponded with his designs; and fell a sacrifice to the aristocracy, whose influence resumed its former sway. These reflections have been excited by the importance of the subject; but their prolixity having already exceeded the intention, it is proper to return to the narration.

After a silent year in the Scottish annals, the first object, 1471
 which arrests attention, is another parliament, of which some 6 May
 ordinances deserve historical commemoration⁹. The statute of the last parliament against murder is enforced, and enlarged; that crime being again declared to have become common. It is decreed, "considering the great poverty of the realm," that none shall wear silk, the importation being so expensive, except knights, minstrels, that is performers of music, and heralds, and those worth one hundred pounds in the annual income of lands. Another statute shews that the interests of the country began to be somewhat understood: it concerns the fisheries, an object of repeated attention, and endeavours, for three centuries; and now, it is to be hoped, the successful care of a patriotic society. This remarkable act is conceived

⁸ Mezeray, Abr. III, 350. Ferrerius, f. v. 390.

⁹ Acts, f. 55.

1471 in these terms: "the lords¹ think expedient, for the common good of the realm, and the great importation of riches to be brought into the realm from other countries, that certain lords spiritual and temporal, and some burghs, cause equip large ships, busses, and other great pink-boats, with nets and all necessities for fishing: the execution of this object, and the form, and number, to be considered at the prorogation of this parliament²." But the subject was not resumed: and the scheme only excites a sigh at the consideration how easily nations are excited to war, or any ruinous project, and with what extreme difficulty any plan of public benefit is carried into execution. Another prudent statute provides against the encroachments of the Roman church, now arising to such enormity, as, in half a century, provoked the reformation, by prohibiting the clergy, under pain of treason, to procure any benefices from the court of Rome, not formerly held by the pope's disposal; or to collect more money for the papal treasury, than had been regulated by the antient taxation of Bagimont³. In this act the clergy's title to free election of their dignitaries is mentioned, and confirmed: but two years after we find that James despoiled the pope only for his own purpose, and crushed even this mean relic of freedom. The monks of Dunfermlin having chosen an abbot, the king probably won by a sum of money recommended another to the pope, obtained his confirmation; and this new tyranny became inviolable custom⁴. Among the secular clergy also the monarch usurped the rights of the

¹ All members of parliament were denominated lords of parliament, as a commoner, or a private clergyman, if ambassador, was styled lord ambassador. So Dr. Magnus in the time of James V. The custom is still retained in "lords of session," "barons of the exchequer."

² Acts, f. v. 57, c. 60.

³ Acts, f. 56. Lesley, 356, ridiculously dates the taxation of Bagimont in 1512, instead of 1275.

⁴ Ferrerius, f. v. 392. Lesl. 317. Buch. XII, 22.

bishops; and gave, or sold, benefices to laymen, as well as 1471
 abbacies and priories, a source of great national disorder and
 discontent⁵. James was unconscious of the weakness of an
 unsupported throne; and his wild despotism assailed all orders
 of men.

Nevertheless the Scottish clergy now attained greater consistence, and dignity, from the appointment of a primate. Patrick Graham, the successor of Kennedy in the bishopric of St. Andrews, obtained from the pontiff a bull erecting that see into an archbishopric: and to this new dignity he added the titles of papal nuntio, and legate *a latere*. Instead of congratulating their order upon this accession of importance, and the kingdom upon the honour and advantage of a metropolitan see, at this period to be found in all the other chief states of christendom; and the want of which, as religion then stood, might bear a derogatory interpretation, and had induced and might induce the usurping claims of the primates of York; a spirit of envy seized the Scottish clergy. By an offer of eleven thousand marks, the bishops excited James to oppose, and insult, the archbishop: reciprocal interests, and abuses, concurred to unite the king and the prelates against Graham, a man of worth and learning, who was imprisoned in the castle of Lochleven; where he died seven years after, in the vain enjoyment of his titles⁶.

⁵ *Idem ib.* Lesley's invective against this odious novelty, by which the alms assigned to the poor were consumed in the luxury of the rich, is emphatic. Even the protestant Buchanan murmurs high indignation.

⁶ Ferrerius, f. v. 389. Lesley, 317. Compare Keith Bishops, 20. Graham was the uterine brother of Kennedy. Stew. Gen. 62. Drummond, 81, imputes the origin of the enmity against him to the Boyds. Buchanan, XII, 33, 34, 35, gives a long detail of the persecution of this venerable prelate, conducted by William Shevez, or Shevis, afterwards archbishop of St. Andrews, a favorite of James. The tale does honour to the historian's feelings; and brands the persecutors with lasting infamy.

BOOK VIII.

BEING

THE SECOND, AND LAST, PART OF THE REIGN OF JAMES III.

Transactions with England and Burgundy—marriage treaty with Edward IV—commencement of English influence in Scotland—forfeiture of Ross—parliament—character of Albany and Mar—Albany's escape—death of Mar—war with England—parliaments—Albany in England—Glocester's invasion—plot—execution of the royal favourites—James confined—truce—deliverance of James—Albany's treason and flight—Margaret the king's sister weds Crichton—parliament—Douglas a captive—negotiations with Richard III—impolicy of James—death of Margaret of Denmark—parliament—marriage indenture—confederacy against James—conflict at Blackness—battle at Sauchy—death of the king.

1472
10 Mar. **N**OTHING memorable occurs, in the course of the ensuing year, except the birth of a prince, afterwards James IV¹; and the continuation of the truce with England; the throne of Edward IV having at length been firmly esta-

¹ Ferrer. f. v. 392. On the 8th April 1473, appears a grant to Moncrief, because his wife, a Dansk (Danish) woman, brought the king tidings of the birth of a fair boy. Scott. Cal.

blished by the death of Henry VI, and his son, that monarch ¹⁴⁷² resolved to preserve the pacification with Scotland, which had been somewhat interrupted by the mutual incursions of the borderers, and other incidents. The commissioners of both nations having met, it was agreed that the long truce should be strictly observed; and provisions were made against any infringement ².

Charles the Rash, duke of Burgundy, having engaged in war ¹⁴⁷³ with Louis XI of France, sent to request the aid of England. Edward was willing to listen to the demand; but expressed apprehensions lest the Scots should in this case support their French ally. To obviate this objection the Burgundian ambassadors proceeded into Scotland; and, by gifts or promises, prevailed on James to agree to a specific continuation of the English truce for two years, without prejudice of the long pacification ³.

² Rymer, XI, 758.

From Carmichael's Tracts, Edin. 1791, 4to, p. 50, it appears that, in a parliament of this year, James issued a singular order, that in future there should be no double tressure around his arms. It was certainly not understood at that time that this ornament alluded to the connection with France, for the same parliament granted 5000*l.* towards sending 6000 men to France. *Ib.* See the transactions of 1474.

On the 28th Aug. 1472 a legitimation was granted to Andrew lord Evandale, and Arthur and Walter his brothers. *Scott. Cal.* On the 13th Oct. appears a grant to *Jonet* countess of Douglas, *the king's cousin, widow of William earl of Douglas*; and another Jan. 1473. *Ibid.* This lady seems unknown to all our genealogists. The William slain in 1440 or 1452 must be implied.

³ Rymer, XI, 772. The truce bears to be sanctioned by James at the request of Burgundy his ally.

One of the Paston Letters, 16 April 1473, bears that the earl of Oxford was at Dieppe, and intended to proceed to Scotland with twelve ships. But the treaty prevented the design of this adherent of the late Henry, to assist James in invading Edward's dominions.

The

1474

9 May

The statutes of the next Scottish parliament are too minute for the notice of history; but the three estates desired the king to form an alliance with the German emperor, by the means of his father-in-law, the sovereign of Denmark: and at the same time requested that an embassy might be sent into England, in order to obtain redress concerning the seizure of a large ship⁴. This vessel was the noted St. Salvator, commonly called the Bishop's Barge, having been constructed at the expence of bishop Kennedy, as formerly mentioned. Remaining the property of the see of St. Andrews, this ship, freighted with valuable merchandize, on the account of the archbishop, (for in this, and the following century, the prelates and nobles in England and Scotland aspired to commerce,) went aground near Bamborough. Some merchants, literary persons, and other passengers, were drowned: the abbot of St. Colm, being captured by the English, was detained till a ransom of eighty pounds was paid⁵. In the following year Edward IV ordered a partial compensation of five hundred marks, with permission to the Scots to sue for any further redress in the courts of law⁶.

Meanwhile a more important affair was in agitation between the courts of England and Scotland. Edward IV was aware of the arts by which Louis XI had endeavoured to fix the Scottish monarch in his interests; and resolved to frustrate the design by the display of superior advantages. In 1472 the duke of Bretagne had accused Louis of inviting the Scots to assault that duchy, upon a promise of assigning it to James; a charge apparently well founded, for Louis had commissioned

⁴ Acts, f. 58.

⁵ Ferrerius, f. v. 392. Less. 316. Rymer, XI, 820.

⁶ Rymer, XI, 850.

his

his envoy Concreffault to persuade the Scottish king to equip as many vessels as he could, and engage troops from Denmark ¹⁴⁷⁴. As the offer of Bretagne was a proof of the artifice of Louis, though too gross to be attempted except with a young monarch, and unexperienced council; so the demand of a Scottish fleet was a mark of his ignorance, Scotland having no ships of war, and none to spare from her scanty commerce. On the other side, James appears not to have acted without duplicity; for while he consented to the truce requested by England and Burgundy, he imparted their designs to Louis, and insinuated that he could listen to no proposal inimical to the French alliance. At the same time he desired permission to pass through France in a pilgrimage to Rome, a design which may have proceeded from the known superstition of James; but which rather seems, from the circumstances, to have been founded upon the supposition that his absence might excuse the Scots from lending any assistance to France. Louis, in return, sent Monipeny his chamberlain, to request James not to leave his kingdom in the present conjuncture: and the advantages offered by England inducing the Scottish king to a decision in favor of that kingdom, the advice of Louis was followed, though not the motive ⁸.

⁷ Duclos, II, 73, 75. Lobineau hist. de Bretagne, I, 716. The lords of Concreffault were of Scottish extract. Torf. Orc. 185, has "Johannes de Monizon, dominus de Congressault," A. D. 1460. Monipeny? See 1424.

⁸ Duclos, II, 146: his work is composed from the best original documents. Even in July 1473 James designed to pass to France, and many arrangements were made in parliament. Records in Carm. Tracts, p. 52. The intention of a pilgrimage to the holy land also occupied the more vigorous mind of James IV. The violent deaths of prince David, of James I, and II, seem to have impressed their successors with an idea, that the divine wrath impended over the family, and that an expiation was due. But it is impossible to account for the dreams of a superstitious age.

1474 To counteract the arts of France, and to fix the wavering resolution of James, the English monarch entered into a treaty with Scotland, upon a more solid foundation. The Scottish embassadors, who had entered England in July⁹, returned to Edinburgh in October, accompanied by the bishop of Durham, Lord Scrope, and two other English commissioners; who having met with the bishops of Glasgow and Orkney, the earls of Argyle and Crawford, and others appointed on the part of Scotland, established an alliance upon the following terms. 1. That in order to promote the wealth, peace, honour, and interest, of *this noble isle callit Gret Britane*, a marriage shall be contracted between James the prince of Scotland, and Cecilia youngest daughter of Edward IV, both in early infancy. 2. That the truce of fifty four years, extending till 1519, shall remain in full force. 3. That, during the truce, both monarchs shall assist each other against rebels, if required. 4. That the prince being only two years of age, and the bride four, the kings shall solemnly engage to accomplish the marriage in due time. 5. That the prince and princess shall, during the life of James, enjoy the usual lands of the heir of Scotland, being the dukedom of Rothsay, the earldom of Carric, and the lordships called the Stuart-lands. 6. That Edward shall give with his daughter the sum of twenty thousand marks sterling, (now equivalent to about one hundred and forty thousand pounds,) of which two thousand shall be paid yearly in the parish church of St. Giles at Edinburgh; the first payment to be made on the second day of February next 1475. And lastly, it was agreed that in case of the death of the prince, or princess, the heir of Scotland should marry a daughter of England, upon the same terms; otherwise all the

⁹ Rymer, XI, 814.

sums advanced shall be repaid within four years, except the ¹⁴⁷⁴ sum of two thousand five hundred marks, which Edward agrees to abandon in consideration of the intended amity¹.

Such was this memorable treaty, which, had it been observed, might have proved highly advantageous to both kingdoms; and in particular might have saved Scotland from the loss of Berwick, and from the ruinous battle at Flodden. The annual payments of Cecilia's portion may be regarded as a subsidy of importance, amounting as may be conjectured, to an increase of nearly one third in the royal revenue of Scotland; and the English policy in this advanced mode of disbursement seems assumed in order to secure the continuance of the Scottish amity. A lively writer has observed that a poor state, which is adjacent to a wealthy, must, in the natural course of human affairs, expect to be ruled by the money of her neighbour²; and when we behold Sparta in the pay of Persia, overturning the liberties of Greece, during the Peloponnesian war, we need not sigh at the comparison of ancient and modern virtue. Taught by the example of France, which disbursed regular pensions to Edward and his courtiers³, England seems now, for the first time, to have laid down a scheme of policy concerning Scotland, which was afterwards to be resumed, and continued, with success, till the accession of James VI to the English sceptre. Resolving to rival, or exceed, France in pecuniary gratifications, England found gold more powerful than steel, in fixing the fidelity of her northern neighbour; while Scotland must find an excuse in her penury, and in the general defects of human nature, for exposing her fidelity to

¹ Rymer, XI, 824—832.

² Voltaire Hist. Gen. speaking of Scotland, A. D. 1559.

³ Duclos, II, 185. Edward's pension was 50,000 crowns. The others amounted to 16,000: Hastings had 2000. Ibid. 190. Hall's chronicle, 235.

1474 the mutual temptations of French and English subsidies. Nor must it be forgotten that the most able politician might have been perplexed in the decision, whether the connection with England, or that with France, would most advance the honour and interest of Scotland; so that no blame of treason to their country can rest with the receivers of the gold of either kingdom.

1475 The treaty, which Edward IV had entered into, had been negotiated at Edinburgh, a mark of friendship before unknown between the countries, as the English monarchs, from precedency of rank, had ever insisted on the negotiations being conducted in their own kingdom. To maintain the new intercourse with Scotland, Edward sent Dr. Alexander Legh, his almoner, on an embassy to that country. He was instructed to give complete redress to the Admiral of Scotland, for a ship fitted out by James himself, which, by a singular chance, had been captured by the *May-flower*, a vessel belonging to Richard duke of Gloucester⁴.

April
July Having secured the friendship, or forbearance, of Scotland, Edward passed into France with his army; but, being overcome by the money and the wines of that kingdom, he yielded to the arts of Louis XI, and withdrew inglorious⁵.

⁴ After a long interval, 1436—1475, it is with pleasure that original papers are quoted. The instructions to Legh occur Vesp. C. XVI, f. 118, and as they mention that Edward was about to pass (to France), and the Monday following ascension day as the 8th May, the date 1475 is evinced. The ship is called the king's own *carweille*, (carvel, vessel:) and was taken near the isle of *Cageant*. Legh was also to give redress for a ship belonging to the *lord* of Luf (Lufs?), which had been captured by lord Grey. Commerce was thus conducted by the great, a singular feature of national manners: the expression of Isaiah may be used in an inverse sense, "whose merchants are princes, whose traffickers are the honourable of the earth." The name of the Scottish admiral is unluckily not mentioned. Spens or Wood?

⁵ Comines, IV, 5, 10. Duclos, II, 178—195. Hall, 227—235.

The parliament, which was prevented from meeting in ¹⁴⁷⁵ September by some appearances of the pestilence, having at length assembled at Edinburgh in November, issued several unimportant regulations, chiefly concerning the coin⁶. A clause in the late treaty with England bearing that neither monarch should assist rebels, and the king's insular power being enlarged by the acquisition of the Orkneys, it was resolved to proceed vigorously against John, the earl of Ross and lord of the Isles, who had supported Douglas and his brothers in their grand rebellion, had in 1462 entered into engagements with England, and whose conduct merited chastisement. Accordingly having neglected to appear when summoned, a sentence of forfeiture was pronounced against him⁷. As soon ^{1 Dec.} as the season of the year permitted, a force was collected to ¹⁴⁷⁶ execute the sentence. Some vessels being assembled on the ^{May} north of the river Forth, the earl of Crawford was appointed admiral, and the earl of Athole general. Ross, alarmed at this effectual preparation, was induced to submission by Athole's intercession, which the king rewarded by the gift of the lands of Cluny. In the ensuing parliament the rebellious earl appeared, and submitted to the royal will: Ross was withdrawn ^{July} from his power, and annexed for ever to the domains of the crown, with liberty nevertheless to the sovereigns to grant that extensive earldom to their second sons. The title of Lord of the Isles was confirmed in consequence of his submission, and engagement to maintain the laws of the kingdom. But

⁶ Acts, f. 61. Ferrerius, f. 393. Less. 318.

⁷ See the execution of the summons, 16 Oct. in Carm. Tracts, p. 52. The points of treason are seven: 1. Connections with England, 2. With Douglas, 3. Giving safe conducts to Englishmen, 4. Usurping royal authority, 5. And power of life and death over the subjects, 6. Seizing Rothsay in Bute, 7. Ravaging Bute. He was summoned at his castle of Dingwall in Ross. For the forfeiture see Carm. 54.

1476 Knapdale and Kintyre, forming a chersoneuse in the western sea, were also withdrawn from his authority, with the castles of Inverness and Nairn. The earldom of Ross though claimed, or held, by the lords of the Isles, Donald and Alexander, the grandfather and father of John, from nearly the commencement of this century, it was yet no violent stretch of power to resume from hereditary foes of Scotland^a.

In the same parliament, the king, who had now attained his twenty-fifth year, a period to which the civil law annexed the title of complete majority, solemnly revoked all alienations, or gifts prejudicial to his crown, or to his heirs; and, among others, the custody of his castles, otherwise than during pleasure, especially those which formed the keys of the kingdom^b.

1477 The third, and last payment of the portion of Cecilia which Edward IV thought proper to make, was duly performed^c; but a change of political views was speedily to terminate this plan of pacification.

6 Aug. Of the next national council the chief statute concerns the importation of provisions. The congregated wisdom of the nation is not ashamed to declare, that provisions being usually very scarce, the chief support of the realm lay in the hands of strangers, who import them from various countries; and who are of course intitled to a favourable and honourable reception. Any restriction, or imposition, is therefore withdrawn; and it is ordered that after the foreign provisions are entered in the *tolbooth*, or guildhall, the king, and lords of the council, shall have the choice at the market price; and the remainder shall

^a The restitution itself in Scott. Cal. 15 July 1476, from which correct Ferrerius, f. v. 393, Lesley, 318, Buch. XII, 36. See Acts, f. 62, c. 87. Carm. Tracts, 56. In the parliament of 1471 Albany appears, ib. 51; in this of 1476 Albany and Mar his younger brother, 55.

^b Acts, f. 62.

^c Rymer, XII, 41.

be open to general sale². The state of the kingdom may be better discerned by this statute, than by volumes of declamation: and it is almost unnecessary to add that this want of common industry led to a gradual increase of impoverishment; for Scotland possessed not, like ancient Athens, or modern Holland, commerce, arts, and manufactures far more than sufficient to counterbalance the great disadvantage of acquiring subsistence by foreign purchase. 1477

This parliament also decreed that an embassy should be sent to the duke of Burgundy, at the expence of the burghs, to confirm and renew the alliance formerly contracted, and to obtain a ratification, and if possible an enlargement of the immunities granted to Scottish merchants, and a redress of any damages³. This potent prince had sent conciliating letters to the Scottish court, as the act expresses: but could the parliament be yet ignorant that the dead body of Burgundy had been trampled into the ice and mud, before Nanci, on the fifth of January; and that Mary his only daughter was unmarried, not having united those wide territories to the house of Austria, by her marriage with Maximilian, till the eighteenth of August? But it is probable that the parliament sat a considerable time; and that the latter may be the duke mentioned. An embassy into England is also ordered, to negotiate another marriage-treaty with the royal house of that kingdom⁴.

But Edward again sent Legh as his ambassador into Scotland, with instructions to represent that the marriages proposed by James, between his sister Margaret and the duke of Clarence, and between Albany and the duchess of Burgundy, widow of Charles the Rash and sister of Edward, could not be then negotiated, as her year of mourning was not expired⁵.

² Acts, f. v. 63, c. 91.

³ Ibid. f. 63.

⁴ Ibid.

⁵ O. letter Edward to Legh, Vesp. C. XVI, f. 121.

1478
17 March

The superstition of James now suggested a desire to visit the shrine of St. John at Amiens, and Edward granted a safe conduct for his passage through England, with a thousand attendants, for that purpose; not omitting his earnest desire to confer with the Scottish king⁶. Yet the journey was deferred: and James was contented with striking a large medal of gold, which he sent to be appended to the shrine⁷.

The fresh disputes between England and Scotland appear to have originated in this, or the preceding year; but their cause has not been accurately explained. The death of the duke of Burgundy, which changed the views of France and England, seems to have been the chief source of this alteration. Louis XI having been delivered from this dreadful foe, and having secured himself from the enmity of Edward IV by a truce for their lives, by the punctual remission of pensions to the English king and court, and by flattering Edward with the marriage of the dauphin to Elizabeth his eldest daughter, there was reason to expect a lasting peace between their kingdoms⁸. In consequence, Edward, whose temporary fears, and interest, had alone formed the treaty with Scotland, and whose only desires were money and luxury, began to regret the annual disbursements, and to wish for another war as a pretext of raising money for his pleasures and profusion. But their sacrifice of the French alliance, and their intestine commotions, prevented the Scots from hastening into an open enmity with England.

The reign of James had hitherto been successful; and fortune had showered favours upon him, which to his wiser predecessors had been denied. The acquisition of Roxburgh,

⁶ Rymer, XII, 53.

⁷ Du Cange *Traité hist. du chef de St. Jean*, Paris 1665, 4to, p. 128.

⁸ Duclos, II, 275, 283, 300.

Berwick,

Berwick, the Orkneys, and Shetland; the honourable marriage treaty with England, the resumption of the earldom of Ross, were splendid events, which prevented the eruption of public discontent at many new and arbitrary measures. But James had provoked deep and inveterate hatred; and, having no standing army, could not rule by fear alone. A great alteration is now to take place; imprudence is to incur the usual destiny: and a thick cloud of crimes, and misfortunes, is to darken the succeeding years of this reign.

The character of James was strongly contrasted by those of his brothers, Alexander duke of Albany, and John earl of Mar. While the king, in solitary retirement, indulged his favourite studies of music, architecture, and astrology, he forgot the duties, amid the idle amusements, of a monarch. The nobles, in the feudal ages, seldom visiting the court, except upon occasions of business, or high festivals, and being ignorant of the arts in which James delighted, he had recourse to the conversation of those who excelled in them; but forgot the majesty of the sovereign so far as to make companions and favorites of men of mean origin; imitating Louis XI who had raised his barber Oliver le Dain to great wealth, and high dignities; but a stranger to the standing army, large revenue, and other resources, which enabled that king to crush the lofty, and exalt the humble. Cochran a mason or architect, and Rogers the English master of music, were respectable names among the favourites of the Scottish king, when followed by those of Leonard a smith, Hommil a taylor, and Torphichan a fencing master. The contempt and indignation of the nobility were extreme, when they beheld the public favour of the sovereign to those minions, joined with a pointed neglect of their haughty order.

⁹ Ferrer. f. 395.

1478 Albany was a sensible and spirited prince, fond of martial exercises, of fine horses, and of attendants tall and vigorous. In person he was of a middle stature, strong, and well proportioned: his broad shoulders, and blooming yet stern countenance, engaged the praise of a martial age: and his known courage, if we believe an historian, was the only cause why the nobles did not rebel against James, while he lived in amity with this brother¹. Mar added superior stature to youth, beauty, and elegance of person: his gentle manners won every heart; nor did he yield to his brother in the favourite exercises of the nobility, or in his attention to the breed of his war-horses: and in hunting, hawking, and every knightly pastime, his skill and grace were admired².

The wardenship of the eastern marches had been assigned to Albany, for life, by his father James II; to which the honours of governor of Berwick, and lord lieutenant of the borders, had been added. From his father he also derived the earldom of March, and its strong castle of Dunbar³. If we credit Lindsay, who somewhat depraves his information by representing Alexander lord Home as chamberlain since the reign of James II, while he held not that office till the commencement of that of James IV, a violent enmity had taken place between Albany, and the Homes and Hepburns, whose estates lay contiguous to his earldom of March. In order to ruin Albany, his enemies applied to Cochran, who resented that prince's contempt, while he dreaded his power: this favourite knowing the weak part of his sovereign's character, procured a witch to pronounce to James, that he should be slain by one of his nearest kindred; and his children being infants, the suspicion fell upon his brothers, and led to their ruin. Buchanan im-

¹ Lindsay, 114, 115. ² Id. 115. ³ Ibid. The act of forfeiture, &c.

putes the king's enmity against his brothers to a prophecy of 1478 Andrew, a Flemish astrologer, and favorite of James, that in Scotland a lion should be devoured by his whelps; which, if a real prediction, was singular in its accomplishment: but the account of Lindsay is more probable, as the latter emblem could not point to brothers. From the account of Ferrerius, which is the most ancient, it appears that Mar was accused of using magical arts against the king's life⁴. In our choice of weak motives, we are however left certain that the tyranny of James was strong: nor is there the smallest reason to infer from the base treaty made with Edward IV by Albany in 1482, and to which he was driven by despair and resentment, that he now entertained any disloyal designs; far less any intercourse with England⁵, which kingdom he did not visit till three years after his escape to France; and even then was induced by the special invitation, and interested views, of Edward. It is however not improbable that Albany and Mar, having also encountered the king's indifference, shared the resentments of the nobles, and with them conspired against the royal favourites, who had sufficient interest and address to confound their safety with that of the government. Amid the darkness which attends the commission of crimes, it belongs to candour, and reason, to infer a motive strong enough to blunt the feelings, and corrupt the heart, for human depravity cannot at once proceed to the utmost degree: but when we speak of the

⁴ Lindsay, 116, 117. Buch. XII, 37. Ferrer. f. v. 393, followed by Lesley 320.

⁵ Could any connections between Albany Mar and England be discovered, preceding 1479, they might vindicate James; for certain it is that Albany afterwards branded the king as a bastard, (see letters of Dacre in the reign of James V,) and openly assumed the royal title. It is remarkable that the peers, in 1488, never objected the death of Mar, or exile of Albany, to James.

1478 “good old times,” let us reflect that the three contemporary sovereigns of France, England, and Scotland, were all stained with a brother’s blood.

1479 However obscure the origin of the tempest might be, its effects were apparent and dreadful. Mar was seized by the king’s command, and confined a close prisoner in the castle of Craigmillar, near Edinburgh. Albany was committed to Edinburgh castle; and Evandale the chancellor was sent to besiege his fortress of Dunbar, which soon yielded, the garrison withdrawing in boats to the English coast⁶.

As the despotic temper of the king was certain, his fraternal affections dubious, Albany thought proper, after a confinement of some duration, to contrive means of escape. Either by concert, or chance, a French vessel arrived in the Forth, and anchored near Newhaven, a small and little frequented port to the west of Leith, and of short and easy access from Edinburgh. The captain, either in the plot before, or now gained by Albany’s emissaries, pretended that his cargo consisted of excellent wines; and sent to the castle to request the duke to honour him by the first choice. Two small casks of malmsey, then a favourite wine, were ordered: and the captain in one of them concealed a roll of wax, inclosing a paper of intelligence and directions; while the other conveyed a long rope, the mean of deliverance. As the duke’s messenger was

⁶ The accounts of Ferrerius and Lindsay are singularly confused. The former dates the flight of Albany to France in 1471! The latter blends events, and periods, totally distinct. Lesley and Buchanan are more accurate. At the siege of Dunbar, the *lairds* of Lufs, and Craigy-wallace, and Shaw of Sauchie, loyalists, were slain by one cannon-shot. Less. 319. The names of the defenders, who were convicted of treason, 3 Oct. 1479, may be seen in Carm. Tracts, 61. The forfeiture of Orkney, father-in-law of Albany, and Sir James Liddel, Abercr. II, 429, seems known only to that inaccurate author. See 1483 for the origin of his error.

a confidential domestic of tried fidelity, he was intrusted with ¹⁴⁷⁹ the secret, and served his master's design with zeal. After supper the commander of the fortrefs went to the king's apartment to receive his orders, James lodging in the castle at the time; and having ordered the gates to be shut, and set the watch, he returned by appointment to Albany's chamber, to enjoy a collation and wine. The duke and his servant were abstemious, while they artfully engaged the commander, and three of the garrison who guarded the prisoner, in repeated draughts of intoxication. Secure in their sleep, or in their death, for according to some accounts the odious guests were slain, Albany and his domestic proceeded to a retired part of the wall, concealed from the view of the watch; and the rope being fixed, and let down, the servant first explored the dangerous height: but from the shortness of the rope, fell, and broke his thigh: the duke guarded against the same fate, by increasing the length with the torn sheets of his bed, and descending safely, first carried his faithful domestic on his back to a place of security; and then proceeding to Newhaven made the signal appointed, and was received on board the ship, which immediately sailed for France. The king was so much surprized at this escape, almost from his own presence, that he would not yield to conviction, till he had himself examined the prisoner's apartment, and seen the spot and instrument of his flight. Vain orders were given to search the castle, and send out horsemen on all sides, with promises of high reward, before the truth was discovered⁷.

Albany

⁷ Ferrerius and Lesley are contented with mentioning, and both unchronologically, the flight of Albany to France. Buchanan XII, 39, details the escape from the castle; and Lindsay, 132—135, is agreeably circumstantial, but, like most writers of anecdotes, is inaccurate. He supposes Albany to have fled to England.

1479 Albany having arrived in France went to Paris, where he was honourably received: Gaucourt in the king's name, and the magistrates and council of the city, awaiting on the road with congratulations. Louis ordered Monipeny and Concreffault, Scottishmen of rank, to attend the duke; and his expences were defrayed by the royal favour, but his train not exceeding twelve persons there was no great room for munificence.⁸

A different fate awaited Mar, who, instead of an open trial by his peers, encountered a private condemnation by the king's domestic council, apparently consisting of Cochran and the other minions⁹. The unfortunate youth was afterwards brought from Craigmillar to the Canongate of Edinburgh, where a vein was cut, and he was allowed to bleed to death; an easy mode of extinction, preferred by the philosophy of Seneca, and the luxury of Petronius¹. Several persons of both sexes

England in 1479, and to have persuaded Edward to send an army in 1481, to deliver James from his peers. James thus reconciled became afterwards jealous of Albany, and imprisoned him in the castle of Edinburgh, whence he escaped to France in the manner mentioned in the text in 1483. A strange perversion! In 1479 Albany passed to France; in 1483 to England. Lesley is the only writer of our history, who knows *a little, a very little*, of chronology. The brief chronicle at the end of Winton, ms. Reg. 17 DXX, rightly dates the flight of Albany to France in 1479.

⁸ Chronique Scandaleuse, written by a contemporary, at the end of Comines, ed. 1706, at the year 1479, p. 257. Albany was lodged "en la rue Saint Martin, a l'enseigne du coq:" his train was "de dix a doux chevaux." Ib. 258. Compare the accurate Duclos II, 370, 371, who dates the arrival of Albany in Paris, "s'étant sauvé d'un chateau, ou le roi son frere le retenoit prisonnier," about the month of September 1479. He was forfeited 4 Oct. 1479. Carm. Tracts, 61, 62.

⁹ Ferrer. f. v. 393. Buch. XII, 38. Nor does any vestige of an open trial appear on the records.

Ferrerius, ib. "scissa quadam vena, ad mortem usque effudit sanguinem." Buch. XII, 38, "vena rescissa, mori est coactus." Lesley is as vague as Ferrerius.

fexes were, at the same time, condemned and executed, for 1479
conspiring in the pretended magical practises of Mar against
the king's life².

The wars between England and Scotland now begin to be 1480
more unfrequent, and upon this account to deserve greater
attention: that which now commenced is the most memorable,
since the battle of Sark, a space of more than thirty years:
and similar distances divide the present contention, the battle
of Flodden, and that of Pinkie. The great inequality of the
contest is matter of glory to the smaller state, which unhappily
relied on the aid of Mar. Lindsay, 119, "murdered and slain in the Canongate, in a bathing-
vat." The contemporary chronicle, at the end of Winton, says at 1479 that
many witches and *warlocks* were burnt; and that Mar was SLAIN, because he
favoured the witches and *warlocks*, (magicians.) Almost the only new and re-
markable passage in Drummond of Hawthornden's history is, that Mar being
seized with fever and frenzy, was put into a bath, and some veins opened for
his cure; but he died through his own rage, or the neglect of the attendants.
For this he quotes "B. W. E. who was living in that time, and whose records
we have followed," p. 91, ed. 1655, certainly bishop William Elphinston, as
Abercr. II, 429, and other writers infer. With reverence to Drummond's
genius, and love of truth, arguments arise that he was here imposed on by some
careless or designing antiquary. 1. The history ascribed to Elphinston is extant
in the Bodleian library, (the very copy used by Drummond, as appears from
Craw. Off. 52,) and only extends to the death of James I, 1437. 2. Had
Drummond used Elphinston's history of James II and III, (a great desideratum
in our literature,) he must have enriched his pages with new facts, instead of
transcribing, as he does, Boyce, Ferrerius, Lesley, Buchanan. 3. The cure
was new, and probably unknown in that or any age. 4. It was indispensable
to the king's reputation to institute open informations, concerning the causes of
his brother's death. 5. Granting the evidence, Elphinston's testimony would
in itself be highly objectionable, he being the friend of Shevis, and the favourite
of James III, to whom he owed his preferments. Keith, Bishops, 68, 69.

² Ferrer. f. v. 393. Less. 320.—Buchanan XII, 38, says twelve witches
were burnt. They were accused of consuming a waxen image before a fire, to
affect the king's health by magic: the punishment is justified by the *design*, and
by the belief of the times. This is, it is believed, the first punishment of witches
in Scotland.

either

1480 either declined, or was stationary, in wealth, and power; while the other was rapidly progressive. Henceforth defeated in every great contest, the spirit of Scotland remained unimpaired; and while her soldiers knew not the name of fear, they might execrate the caprice of chance, and the want of military skill, patience, and genius, in their leaders. The historian of the house of Douglas hesitates not to pronounce that, since the fall of that family, Scotland has performed few deeds of arms³: many of that illustrious progeny were indeed *born* generals, and the deficiency of such singular genius, which depends upon great and prompt faculties, cool intuition, and a kind of prescience, and to which the impetuosity of the national character is highly adverse, was repeatedly felt by this warlike kingdom.

If it be often dubious, even in modern times, which of two warring nations was the aggressor, a superior certainty is not to be expected in remote ages. Some assert that Edward IV was the author of hostilities; while others affirm that Louis XI excited the Scottish king to arms. The latter opinion might be supported by the treaty, which was entered into, in the end of the year 1479, between Edward IV and the dukes of Austria and Bretagne, the foes of Louis⁴: but as the French monarch pretended ignorance of that transaction, and continued to pay Edward's pension, and to cultivate his amity, dreading lest he should openly assist the Flemings, with whom the French were at war, it does not seem probable that he should wish, by inciting the Scots to arms, to provoke the decided enmity of England. A diversion of a part of Edward's force was all that could have been gained; while the practices of Louis might have been punished by the remainder. Other arguments against

³ Hume's Dougl. I, 384.

⁴ Duclos, II, 374.

this supposition arise from the silence of Comines, that great ¹⁴⁸⁰ contemporary, and other French writers, concerning this war, or any part taken by Louis in its provocation; and from the reception of Albany in France, which argues no friendship between Louis and James: the truce of fifty-four years, and the marriage treaty with England, having considerably impaired the connection between France and Scotland. On the other hand, as is before observed, it is certain that in 1478 Edward, by discontinuing the payment of Cecilia's portion, had infringed the amity with Scotland, whose resentment had only been suppressed by the commotions in the royal family, and by the long disuse of war. But to guard against any hostile intention of the Scots, Edward, on the twelfth day of May 1480, had named his brother Richard duke of Gloucester, the future usurper, lieutenant-general of the North, and appointed him to lead an army against his inveterate enemy the Scottish king; whom he accuses of an intention to violate the truce, and enter the English territories, "in contempt of his own fame." But in the fame of crimes Edward and James were equal; and to that of virtues their pretensions were similar. Some incursions having been made by the Scots, Edward, on the twentieth of June following, commanded his array to be in readiness: yet no important hostility followed, till the ensuing year.

⁵ Rymer, XII, 115, "Spreta ipsius nominis, omnisque nobilitatis, fama." It is risible to observe the ignorance of Abercromby, II, 434, and Granger, (Maitland's hist. II, 682,) who suppose the term *nobilitas*, (nobleness of mind, honour,) to apply in a modern sense to the Scottish *nobility*; and sagely infer that Edward was no stranger to the discontents of the Scottish nobles!

Abercromby, II, 434, unchronologically places a siege of Berwick in this year, which Lesley, 321, dates 1481, Ferrerius, 394, in 1482. The chronicle at the end of Winton says that, in 1480, Angus burned Bamborough, and remained three days in England.

1481 In his aversion for war James sent a herald to the English court, offering to redress any infringements of the truce committed by his subjects, provided that Edward would condescend to the same terms: but the herald was dismissed without answer, a circumstance which of itself fixes the violation upon Edward⁶. Louis XI having fallen into the malady, which in two years terminated his existence, Edward had entered into an active alliance with Maximilian duke of Austria, who engaged to pay him a pension equal to that allowed by Louis; so that the English king was now at liberty to pursue his own measures⁷. Accordingly he ordered preparations to be made for the march of his army to the frontiers⁸; and from the writs it seems that a siege was proposed, which it is reasonable to infer was to be directed against Berwick, the loss of which was not a little regretted by the English.

2 April To provide against the designs of the enemy, a parliament was assembled; the statutes of which, and of some in preceding reigns, leave it doubtful whether the right of peace and war was conceived to belong to the king, or to the national council; but in those ignorant ages no political department was properly divided or understood. Yet the fears, and conscious unpopularity, of James induced him to desert his despotism on this occasion, and to submit much to the deliberations of parliament. Besides regulations concerning the length of spears, and nature of defensive armour, all persons assembling to the army are prohibited, on severe penalties, to commit any damage, or spoil, in the Scottish dominions; and the castles on the borders, and eastern coast, are ordered to be repaired, and provided with garrisons, and provision⁹.

⁶ Acts, 1481, f. v. 65. ⁷ Rymer, XII, 126, 127. ⁸ Ibid. 140.

⁹ Acts, f. 65. A tax of 7000 marks was granted, to victual Berwick for forty days. Carm. Tracts, 65.

The campaign nevertheless ended with little glory, or advantage, to either side. About sixty Scottish hamlets were burnt by the incursions of the English; and the fleet of Edward, entering the Forth, captured eight vessels, and gave to the flames the village of Blackness and another ship which lay there; after which actions it regained its native shores¹. The Scottish borderers carried destruction into England: and the English fleet returned, but found the coasts so well guarded, that the latter expedition was ineffectual². Andrew Wood of Leith, in particular, shewed distinguished courage in the maritime service³. Meanwhile Edward entered into a treaty with the lord of the Isles, whose misfortunes had not taught him prudence, and who followed the hereditary conduct of his family, since the invasion of Edward I, and which was to be continued to the reign of Edward VI⁴. It is said that James led his army into England, but was met by the papal legate, who denounced a peace among the potentates of the west, in order to oppose the Turks, who in the preceding year had taken Otranto, and alarmed all Italy: upon which the king returned, and dismissed his army, while Edward little regarded the pontifical mandate⁵. This is highly probable in point of chronology; but as a similar

¹ Ferrerius, 394. Lesley, 320, 321. Rymer, XII, 139, has published some naval commissions of Edward, 15 Feb. 1481.

² Ferrer. ib. ³ Grant to him, March 1483. Scotst. Cal.

⁴ Rymer, XII, 140; a power to treat with the lord of the isles and Donald Gorme, 22 June. This peer, and a priest named Rait, (for in old records *sir* almost universally implies a priest, while the *knight* is put after the name,) are mentioned in the acts of parliament, f. 64, as having withdrawn into England about 1477. Yet in Aug. 1481, occurs a large grant to John of Ilay, lord of the isles, for good services. Scotst. Cal.

⁵ Ferrerius, 394, Lesley, 321. They ludicrously introduce the lord of the isles, as a mighty leader in the army of James! Had they called him Donald, the continuation of Boyce's fund of fable would have been yet more singular.

1481 event occurs in a preceding reign, it is difficult to believe the repeated success of the same stratagem; and the siege of Berwick not being attempted by the English, it may seem that the royal host, especially assembled for the defence of that place, was in consequence disbanded.

1482 Another parliament being summoned, the members engaged,
18March with great warmth, in the national enmity against England⁶. The depredations of the English by sea and land, being more sensibly felt after so long a period of peace, and being perhaps directed by the innate cruelty of Gloucester, the commander in chief, appear to have excited an indignation remarkably keen. But the decency of modern times is surprized to find the legislative body using terms of such asperity, as repeatedly to style the English sovereign, Edward the *reifar*, that is the robber, or pirate; a title due to many kings, but seldom employed. It is added that Edward "calls himself king of England," for the connection between Scotland, and Henry VI, was not forgotten. The three estates engage that, since Edward seems resolved to prosecute the war, which he had unjustly commenced, they shall maintain a firm obedience to their sovereign, with their persons, lands, and goods, in defence of his person, his succession, the realm, and the subjects; as they, and their an-

⁶ Acts, f. v. 65, seq. and compare the edition by Murray of Glendook, p. 80, where the date, 18 March 1481-2, is rightly assigned. Abercromby, Granger, Guthrie, &c. confound this parliament with that of April 1481. Lord Kaims, Hist. Law Tracts, 441, has published the trial of lord Lyle in this session, which shews that it commenced on the 18th March 1481-2. The trial was on the 22d March 1482. See also Carm. Tracts, 63. The violence of the language was palpably excited by the ravages of the English in 1481. Incredible confusion has arisen in our history, and records, from the varying commencement of the year, in the Roman mode 1 Jan. or according to the manner of the west, 25 March. See l'Art. de verifier les dates, p. iii to xi, for a complete explanation.

cestors had done formerly. They order all men within the kingdom to be prepared, upon a warning of eight days, or less if necessary, to attend the king in arms, and with provisions for at least twenty days: and a regulation is given concerning couriers, or posts, to convey orders and intelligence⁷. In consideration of the king's great expence, in repairing and fortifying the walls of Berwick, and the castle, in providing them with artillery, and in maintaining a garrison of five hundred men in the town, the estates oblige themselves to support garrisons in thirteen forts, upon the borders; the Hermitage is to receive one hundred men, the others from twenty to sixty. This statute is singular, and interesting in many respects; the chief captains are nominated by the states, who ordain that the captains shall appoint their lieutenants, and shall receive the pay of their soldiers at the rate of two shillings and sixpence for every spear, and two shillings for each bow⁸; the garrisons consisting of equal portions armed with these weapons, and being allotted to the forts only during the month of May, after which they were to be lodged in Berwick for three months. The clergy engage to maintain two hundred and forty of these soldiers; the nobility as many; and the boroughs half that number. In another statute the national council, in terms of control, and not of advice, declare that if Edward invade Scotland in person, the Scottish king shall appear in the field, at the head of the whole force of his realm; and the members express their firm resolution to live or die with their monarch⁹.

⁷ Louis XI began the foundation of the posts, or rather regular offices for post-horses to be used by royal messengers, in 1480, and completed the institution in 1481. Duclos, II, 384, 441.

⁸ Acts, f. 67. Abercromby, misled by his own notes, and confounding Roman and Arabic numerals, gravely puts *eleven* for *two*. Guthrie, IV, 154, joins the dance, though Granger, 685, had corrected the error.

⁹ Acts, f. v. 66.

Those

1482 Those who are attached to systems, the bane of history, might build a splendid speculation upon such decrees: but the wiser, who prefer even inconsistency to system, will be perhaps inclined to found little upon the fluctuating views of a rude age, in which no branch of power was properly defined, or circumscribed. Yet a degree of bigotry must be required not to perceive principles of eminent dignity, and freedom, in these transactions. The parliament was doubtless aristocratic; and the Scots having unfortunately no house of commons, the deputies of the burghs were annihilated by the pomp of the nobles and prelates; but such had been the despotism of James that the cause of the nobles became that of the people. Perhaps the usual royal influence guided this assembly; and the fears of James, exposed at once to internal discord and foreign war, led him to extraordinary concessions, in order to strengthen his throne by popularity. Perhaps the aristocracy seized this critical period to regain lost authority, and, by plausible measures, to secure the favour of the nation, in the meditated scheme against the king's favorites. However this be, the loyalty and unanimity expressed by the parliament were completely delusive.

Other statutes of this assembly are essential to history. It is ordered by the king, and parliament of Scotland, that an embassy be sent from them to the king of France, *and parliament of Paris*, to desire aid; to assure them that James had ever been, and would be ready to act reciprocally; and to complain that Louis had returned no answer to repeated letters of James upon this subject¹. This furnishes an additional proof that Louis was not the author of the war: but did the strange compliment to the parliament of Paris proceed from ignorance, or

¹ Acts, f. 68.

from a design to collate the Scottish legislature with a court of justice? A high reward is offered for the slaughter, or capture of James, the exiled earl of Douglas; and even his followers are rated at proportional remunerations; that nobleman acting as a dangerous enemy in the present hostilities against his country². Lord Lyle was tried by an assize of sixteen lords of parliament, the king sitting as judge, for corresponding with Douglas; but was acquitted³. In recompence for the apparent loyalty of the parliament, the monarch engaged, by a formal promise, to attend to the impartial administration of justice, so that the people might have cause to rejoice in the public order, to the confusion of the king's enemies, and of all "false traitors and untrue hearts," an expression dangerous and ominous⁴.

The next important incident of this eventful year was the passage of Albany from France into England. That deluded, and desperate, prince was instigated probably by the artifices of Gloucester, who desired such an example, to aspire to the Scottish crown, and to enter into a treaty with Edward IV, disgraceful to himself, and treasonable to his country. He uses the title, at once ambitious and degrading, of Alexander king of Scotland, by the gift of the English king: consents to pay homage, and to abandon some countries, and places on the south of Scotland, particularly Berwick: and disclaims the league with France. Edward agrees to assist Albany in reducing Scotland, and maintaining his royalty against James⁵. In consequence of this

² Acts, f. v. 66. Among these followers is *fin* Richard Holland, evidently a priest, and perhaps the author of the *Houlat*, a satire against James by a partizan of Douglas named Holland. Scot. Poems, 1792, Vol. III.

³ Kaims Hist. Law Tracts, 441. Carm. Tracts, 64. ⁴ Acts, f. 66.

⁵ Rymer, XII, 156, 157: of the 9th May appears an order to fit out a *carvell*, called the Michel, commanded by James Douglas, which had lately conveyed Albany

1482 this treaty Albany joined the English army, which advanced, under the command of Gloucester, against Berwick⁶. The Scottish king assembled his array, and was upon his march to relieve that important place, when he was prevented by a revolution, which calls for a pause and an ample detail.

Though conscious of the discontents of the nobles and people, James persisted in his attachment to mean favourites. Among these Cochran was the chief. This architect, whose skill, displayed in the erection of several edifices, might have been rewarded by employment, or by a pension, became the fountain of royal favour; and was elevated to a giddy and invidious height of power. The liberal presents of those who sued for his protection, and influence, soon constituted a wealth enormous for the person, the age, the country: and a part of this base opulence procured from the king's avarice the earldom of Mar, the fatal dignity of his murdered brother⁷. This high

Albany from France to England, as a ship in the English service. Ib. 154. Ferrerius, f. v. 394, says the French wife of Albany was now dead.

Among the unpublished papers of Rymer, No. 4615, art. 82, are instructions from Edward, 5 March 1482, to Dr. Legh, Widdrington, &c. commissioners to the borders, to examine if lord Carlyle, and such others as James shall send, be empowered to deliver up the prince of Scotland into Edward's hands, till the marriage be accomplished. Open war is threatened, as James had received great sums, usurped Berwick, Coldingham, Roxburgh, and other places, and refuses homage. Douglas must be restored to his honours, and the prince must be delivered by the 8th of May, and Berwick surrendered! Edward complains that the Scots had, at a meeting on the marches, slain Robert Lyle, and taken sir Henry Percy and others prisoners.

⁶ The commission to Gloucester is dated 12 June. Ib. 157.

⁷ It is most probable that only the revenues of the earldom were assigned to him, without the titles, which however his flatterers, or his own vanity, might use. Thus in 1471, 4th May, the earldom of *Levenax*, or *Lennox*, was granted for life to lord Evandale, with the wards and marriages of all the vassals. Scott. Cal. Yet Buchanan, XII, 46, specially mentions the *title* of Mar as the chief source of the hatred of the nobility. The silence of the records may arise from the erasures of merited scorn.

honour,

honour, disgraceful to the infatuation of James and of his favourite, was followed by the utmost hatred, and scorn, of the nobility, and by the execrations of the people. But the new earl of Mar, unconscious that his extreme elevation was an infallible step to the deepest ruin, continued to abuse his power, and that of his sovereign, and to increase his wealth by every species of speculation. His oppression extended to all ranks of men. The nobles beheld the places, formerly given by the king to their sons, now sold to Mar's followers: the prelates, and dignitaries of the church, sighed at the increase of simony: even the daily pittance of the poor did not escape, for Cochran had debased the current silver, with a degree of alloy, which rendered it *black money*, a fraud which led to his ruin, and that of his master; and which has been erroneously confounded with the *billon* coinage, ordained by the parliament of 1466, which was intended for the benefit of the poor, and was continued in all the succeeding reigns. But this corruption of the money was peculiar to that of James III, and was such that the merchants, and farmers, rather chose to let the grain rot in their granaries, than to receive the price in such dubious metal: and the populace afterwards repeated with exultation the prophecy of Mar, who, when he was told that his coin would be recalled, answered, as an impossibility, "That day I shall be hanged." In short the whole honour and welfare of the king, and kingdom, were sacrificed on the domestic altar of this base, and covetous, minion^s.

Some of the peers had formerly assembled, and consulted upon the means of delivering the realm from the disgrace, and destruction, inflicted by Cochran, and the other royal favourites.

^s Lindsay, 119, 120. Ferrerius, 395. Cochran was of eminent strength, and had first attracted the king's attention by his valour in a single combat. Buch. XII, 37.

1482 A noble deputation had even been sent to the king, requesting that he would dismiss these pernicious counsellors; and restore the confidence placed by his ancestors in the loyalty of the nobility. The answer of James was far from satisfactory; but the peers assented to delay; and dissembled till some decisive occasion should arise. An occasion now occurred, such as the Scottish nobles, to their singular disgrace, have been accustomed to seize, from the reign of the first to the termination of that of the fifth James. Instead of using the proper period of peace, the proper place of parliament, the day of war, and the camp, have afforded the ruinous scene of internal dissention; and the sacred interests and glory of their country have often been abandoned by the nobility, to gratify a just, or unjust resentment against their sovereign. But the fatal forms of a Scottish parliament, so well adapted to royal influence, the conception that it was a royal court, the incapacity of rude nobles to speak against an educated clergy, ever devoted to the king the source of their fleeting dignities, contribute greatly to absolve the nobles from this imputation; and it is matter of regret, rather than of surprise, that they always seized the only occasion when their power was collected and firm.

July The Scottish array, amounting to about fifty thousands, had crowded to the royal banner at Burrough-muir near Edinburgh, whence they marched to Soutray, and to Lauder, at which place they encamped between the church and the village⁹. Cochran, earl of Mar, conducted the artillery; and his presence and pomp were additional insults. On the morning after their arrival at Lauder, the peers assembled in a secret council, in the church, and deliberated upon their designs of revenge. The earls of Angus, Argyle, Huntley, Orkney or Caithness,

⁹ Lindsay, 122. Ferrer. f. v. 394. Lesley, 321. Buch. XII, 40.

Crawford, the lords Home, Fleming, Gray, Drummond, Hales, 1482 and Seton, are chiefly mentioned upon this occasion; and the discontent must have spread far when we find Evandale the chancellor, and some bishops united to the above names¹. In the course of the debate Gray took occasion to introduce an apologue: the mice consulted upon the means of deliverance from their tyrannic enemy the cat, and agreed that a bell should be suspended about her neck, to notify her approach and their danger; but what mouse had courage sufficient to fasten the bell? "I shall bell the cat," exclaimed the impatience of Angus, in whom a current of the blood of Douglas flowed; and the homely times conferred upon him the appellation of Archibald Bell the Cat. It was concluded that the king should be put in a gentle imprisonment, in the castle of Edinburgh: and that all his favourites should be instantly hanged over the bridge of Lauder.

Cochran, ignorant of their designs, at length left the royal presence to proceed to the council. This upstart earl was attended by three hundred men, armed with light battle-axes, and distinguished by his livery of white with black fillets. He was clothed in a riding cloak of black velvet, and wore a large chain of gold around his neck: his horn of the chase, or of battle, was adorned with gold and precious stones: and his helmet, overlaid with the same valuable metal, was born before him². Approaching the door of the church, he commanded an attendant to knock with authority; and Sir Robert Douglas of Lochleven, who guarded the passage, enquiring the name, was

¹ So Lindsay, 123, but this is dubious. Lesley's enumeration is Angus, Huntley, Lennox, Buchan, Gray, Lyle. Lindsay's *Bothwell* is lord Hales, afterwards so styled.

² Even his pavilions were of filk, and the fastening chains were richly gilt. Lindsay, 124.

1482 answered, "'Tis I, the earl of Mar." Cochran, and some of his friends, were admitted: Angus advanced to him, and pulling the golden chain from his neck, said "A rope will become thee better;" while Douglas of Lochleven seized his hunting horn, declaring that he had been too long a hunter of mischief. Rather astonished than alarmed, Cochran said, "My lords is it jest or earnest?" To which it was replied, "It is good earnest, and so thou shalt find it; for thou, and thy accomplices, have too long abused our prince's favour; but no longer expect such advantage, for thou and thy followers shall now reap the deserved reward."

Having secured Mar, the lords dispatched some men at arms to the king's pavilion, conducted by two or three moderate and prudent leaders, who amused James while their followers seized the favourites. Sir William Roger the English musician, Preston a gentleman, Hommil, Torphichan, Leonard, and others, were instantly hanged over the bridge at Lauder. John Ramsay of Balmain, having clasped the king's person, was alone spared. Cochran was now brought out, his hands bound with a rope; and his weak pride desiring to exchange the ignominious bonds of a thief for the filken cords of his own pavilion, he was answered that he was a traitor and only found merited shame: he was conducted to the bridge, and hanged above his companions³.

Such was the influence of the aristocracy over their warlike followers, that the king was conveyed to the castle of Edinburgh, without commotion or murmur. Here he was served with respect: but was attended by some of the peers, to observe his conduct, and prevent his escape, till he should give ample security not to revenge the death of his favourites; to

³ Lindsay, 125. Ferrerius, 395. Lesley, 322. Buchanan, XII, 45.

which he shewed obstinate repugnance. Except this constraint, ¹⁴⁸² his will was unviolated, and the royal authority remained unimpaired ⁴.

Meanwhile the English army had acquired possession of the town of Berwick: and the generals, Gloucester and Albany, learning that the Scottish army was disbanded, and the king imprisoned, left a party to conduct the siege of Berwick castle, and advanced with the main force to Edinburgh⁵. Their subsequent conduct is not a little mysterious. The capture, or death, of James, and the coronation of Albany might have been expected from the English treaty: but the next authentic paper presents to us Albany suing for his pardon from James; and our early historians, ignorant of Albany's ambition, represent him as the deliverer of his brother from the power of the nobles. If, with some writers, we believe that James was not imprisoned in the castle of Edinburgh, but chose that fortress as a secure retreat, the difficulty remains the same, or greater⁶. Even records cannot atone for the want of contemporary historians; and in such England and Scotland are at this period barren. That Edward IV and Albany were sincere in their agreement appears from its renewal in the following year; which also instructs us that Angus and Gray were then, if not before, engaged in the treasonable ambition of Albany. Hence almost the only rational view which presents itself is, that Albany, finding a great majority of the nobles, and the popular voice, completely adverse to his unnatural and base schemes⁷, was forced to temporize, and accept

⁴ Ibid.

⁵ Ferrer. 396. Lesley, 322. Buch. XII, 47.

⁶ The imprisonment is however certain from two charters. Ruddiman's preface to Anderson's diplomata, and notes on Buchanan, I, 445.

⁷ The continuator of Harding positively says that Gloucester gave peace to Scotland, because the peers did not join Albany.

a pardon,

1482 a pardon, and the restoration of his estates; in the hopes that his presence, and influence, might strengthen his pretensions before their open declaration. The acquisition of Berwick would afford a prize sufficient to satisfy Gloucester; who might judge, from personal knowledge, that a delay was more expedient than the perdition of the scheme by precipitation.

The English army amounted only to about sixteen thousand; and the materials for a siege had been left before Berwick; hence the capture of the castle of Edinburgh, and of James, could hardly be attempted by so few battalions, liable soon to be surrounded or intercepted by a superior force. A Scottish army was actually assembling at Haddington, under the command of several patriotic peers; and even the courage of Gloucester might tremble at the prospect of a battle, without the possibility of a retreat⁸. An historian informs us that those peers prevailed on Albany to pass to their party, upon an offer of appointing him lieutenant general of the kingdom⁹; a rank tempting to his ambition, for he might, with greater certainty, aspire to the crown by Scottish, than by English, aid. However this be; after a brief negotiation, Shevis, the archbishop of St. Andrews, Livingston the bishop of Dunkeld, lord Evandale the chancellor, and the earl of Argyle, all rather eminent in attachment to James, entered into a solemn engagement with Albany, that if he preserved his duty to the king, and the terms of his bond to them, and other Scottish lords, his lands and offices should be restored, and he and his followers receive an amnesty: they also engaged

2 Aug.

⁸ Ferrer. 397, Lesley, 322.

⁹ Lesley, 322, who adds that the earldoms of Mar and *March* were to be given to Albany. The latter was in fact restored by his deliverance from the forfeiture. Had he said Mar and Garioch, he would have been exact. See the grant, Rudd. Buch. I, 445.

that

that the king should ratify the treaty in the next parliament'. 1482. And a truce with England being necessary, in the distracted state of the kingdom, Berwick was yielded, after having remained for twenty one years in the Scottish possession, to which it was not to return; and the *provost* and merchants of Edinburgh engaged to repay the sums advanced for Cecilia's portion, if Edward refused to complete the marriage; which resolution being notified, two months after, the money was repaid¹.

The other embroiled transactions of this year are, the passport of Edward to Margaret the sister of James, whose marriage with lord Rivers, the brother of Edward's queen, appears to have been frustrated by the enmity, and intrigues, of Gloucester, or by the machinations of the Scottish court, for it does not appear that the lady proceeded to England²: a safe conduct to James, who again wished to visit the shrine of St. John at Amiens³, probably induced both now and before by the arts of Albany, to whom his absence might have been advantageous: and a fruitless commission of Edward IV, to renew, and conclude, the negotiation for the marriage of Rivers and Margaret⁴. But from the passport to James, and the parliament held at Edinburgh⁵, it appears that the captivity of the king was terminated.

¹ Rymer, XII, 160.

² Rymer, XII, 161. The *provost* seems now mentioned for the first time: more anciently he was denominated *alderman*.

³ Rymer, XII, 162.

⁴ Ibid. 170.

⁵ Ibid. 171.

⁶ Acts, Murray of Glendook's edition, folio, p. 71. Carm. Tracts, 66. The charter of James to the citizens of Edinburgh, for assistance in delivering him from his imprisonment, is dated 16 Nov. 1482. Rudd. Buch. I, 445. Lindsay, 126, supposes James a prisoner three quarters of a year, read three months.

According

1482 According to the unanimous report of our historians, this deliverance was effected by Albany, and probably in the end of September. They narrate that James being still retained in the castle of Edinburgh, under the care of Athole his uncle, the administration was conducted by Albany, Evandale the chancellor, and Shevis archbishop of St. Andrews; that Albany passing to visit the queen Margaret of Denmark, and the prince her son, at Sterling, was instigated by her to deliver the king; which he effected after a siege of some duration, upon which Argyle, Shevis, and the chancellor, fled in consternation to their respective places of abode. Albany hence acquired so much favour from his royal brother, that they shared one bed and one table⁷.

The

⁷ Ferrer. 397. Lessl. 323. Buch. XII, 50. Lindsay, 130. Grant of Mar and Garioch to Albany, for delivering the king, Rudd. Buch. I, 445: it bears that he exposed himself to great dangers in the siege. There is also a grant to Dundas of Dundas, for the same service, "and venturing life therein." Scott. Cal. 17 Jan. 1483.

Our ignorance of the views of parties, at this period, creates deep obscurity. Abercromby, a warm defender of James III, and enemy of Albany, denies the fact, II, 452. But a partizan is little calculated to throw light, where even a candid writer may be bewildered. Neither Albany nor James were entitled to complete fame or reproach. They wavered, like the many, between vice and virtue. Albany seems to have aspired to the government, on the plan of his predecessors in the title, Robert and Murdac. This probably was the cause of his forfeiture in 1479; and when he gained this in August 1482, he was satisfied. But finding that the former council of James contested his authority, and usurped the royal power in the name of the captive monarch, whom Athole one of their cabal guarded, he would naturally wish to have the king in his own power; and seems to have offered to free James, provided that he was named lord lieutenant of the kingdom, and had a gift of Mar and Garioch. This easy theory reconciles history and records.

Lesley errs concerning the resignation of the archbishopric by Shevis, (so called from a village in Aberdeenshire,) to Andrew Stuart. It was Moray, a bishopric

The parliament of December appears to have been wholly ¹⁴⁸³ influenced by Albany; but that prince's unbounded ambition, and avarice, speedily disgusted most of the peers; and James was little satisfied with the power of his brother, of whom he had every cause to entertain the utmost jealousy^s. Finding upon what a precarious foundation his authority rested, perceiving the renewed strength of the loyal party, early in the following year Albany appointed Angus, Gray, and Sir James Liddel, his commissioners to Edward IV, to strengthen the ^{12 Jan.} former treasonable treaty⁹: and soon after that infamous ^{11 Feb.} agreement was repeated, and enlarged. It appears that Albany managed the public affairs, for it is agreed that a year's truce shall be observed: the homage and dereliction of some provinces are left in silence, but Albany engages to assist Edward against France, and to wed one of his daughters¹: the exiled earl of Douglas is to resume possession of his lands, as far as settled in an agreement made between him and Angus: and Edward engages to send Gloucester and Northumberland, bishopric retained by the avarice of Shevis. Compare Keith, Bishops, 86, whence it appears that Andrew Stuart was in fact *elect* of Moray, at the meeting of parliament 2 Dec. 1482.

The contemporary chronicle at the end of Winton closes with the year 1482, and has some curious notices concerning it: that after the affair of Lauder the peers *cried down* the *black silver*, which had been current for two years in half-pennies and *three penny* pieces; and imprisoned James in the castle of Edinburgh, from Magdalen-day to Michaelmas, (22 July—29 Sept.) Corn fell from 4*l.* to 3*os.* a boll, or about $\frac{2}{3}$ of the English quarter.

⁶ Nisbet, Heraldry, II, 89, has published some extracts of letters, of James III and IV, to the family of Arbuthnot, in the Mearns. Among them is one of the former monarch, 3 Jan. r. 23=1483, desiring Arbuthnot's aid, as James was informed that last thursday some persons had begun to assemble, with a design to invade his person.

⁹ Rymer, XII, 172.

¹ The divorce of Albany from the daughter of Orkney, his French marriage, &c. are of uncertain date.

1483 with succours, to assist the duke in conquering Scotland².
 9 Apr. But the death of Edward IV, in the prime of life, terminated these schemes of unjust ambition: and Gloucester, who upon
 22 June the murder of his two nephews seized the English sceptre, and the title of Richard III, found sufficient occupation in settling domestic discord.

The violence, and imprudence of Albany's conduct soon exceeding the bounds of mere suspicion, and his views evidently tending to the disgrace and destruction of the kingdom, the nobles had resumed their loyalty, and the king was restored to his free and full power. Albany, understanding that his designs were discovered, or conscious of guilt, retired into England³, leaving his castle of Dunbar in the hands of an English garrison. His forfeiture followed; but while the treason of Angus, Gray, and others, remained unknown, a similar penalty was imposed on lord Crichton, who had also garrisoned his castle of Crichton and escaped⁴. If Buchanan be believed, a private pique of James gave occasion to the condemnation of this peer: for the king having seduced Crichton's wife, he, in revenge, found means to win the love of Margaret, the sister of James, by whom he had a daughter named Margaret Crichton, who died not long before our great historian composed his work. Nay, according to that hater of kings, before this adultery of Margaret, she had lost her

² Rymer, XII, 173.

³ He had previously retired to Dunbar, pretending suspicions of poison. Ferrer. 397. Lesley, 225. These authors say he passed to France; Buchanan, XII, 50, to England: whence however he soon proceeded to the court of Charles VIII.

⁴ From the Records of Parliament it appears that Albany was forfeited on the 27th June 1483, with Sir James Liddel of Halkerston. Carm. Tracts, 68. Crichton in Feb. 1484. Ib. Crawf. Off. 312. Abercromby, with strange inaccuracy, confounds Crichton with Orkney, II, 429.

virginity in the incestuous embraces of her royal brother⁵. 1483
 The reader may assent, or disbelieve, according to the weight of the evidence: but Buchanan deserves more implicit credit in the information that Crichton was restored, a short time before the death of James, in order that, his former wife now being dead, he might compensate the dishonour of the princess by marrying her; but Crichton dying soon after, this alliance produced no other progeny⁶.

A parliament was held at Edinburgh, which proceeded to settle the disorders of the kingdom⁷. The expiration of the 1484
 24 Feb.

⁵ Buch. XII, 51.

⁶ Though many writers have laboured the genealogies of the house of Stuart, yet the marriage of Margaret remains obscure. Crawf. Off. 31, says William lord Crichton, who succeeded his father James in 1469, had by her also a son named James, who obtained a charter in 1492. Yet the marriage could not have taken place till about 1487. See Drummond, p. 111.

Scottstarvet's Calendars, at the year 1482, present a grant of many lands to Mary lady Hamilton, and among others those of Kilmarnock formerly given to the queen, apparently an exchange, for that princess was not yet dead? On the 18th March 1483 Largo in Fife was granted to Andrew Wood of Leith, for his services by land and sea, chiefly in the English war: confirmed about 1497 with the addition that the most eminent service had been the defence of Dunbarton, when the English navy came to besiege it: (1481? unknown in history.) There is in Scott. Cal. a charter inconsistent with other records. It is of the lands of "Mekil and lital Pinkartoun, in the barony of Dunbar, constabulary of Haddington, and sherifdom of Edinburgh, forfeited by Albany—to Colin earl of Argyle, united in the barony of Pinkartoun ward with *thre futes* at the heid courts of Edinburgh," 29 April 1483. (August?)

⁷ Acts, f. 69, 70: Glendook's edition, p. 71. Abercromby and Granger, from some unknown cause, imagine this parliament to have been in Feb. 1484-5; though the Acts mark 1483-4. The mistake seems to originate solely in Abercromby's inaccuracy. The date in the Acts is confirmed by the Rolls of Parliament, Keith bishops, 69: and see several records, evincing it beyond doubt, in Carm. Tracts, 66, 67, 90. Not to mention that the preparations for war are irreconcilable with the year 1485. This session was prorogued to the 17th May 1484. Carm. 70, 90; but only private or judicial business was then transacted.

1484 } truce, the retreat of Albany into England, the hostile views of Richard III, conspired to render war apparently so inevitable, that the parliament ordered all the subjects fit for arms to be ready, upon a warning of eight days, to march with provisions for twenty days, in defence of the realm against its English foes. In order to appease the discords of the barons, that they may proceed in concord against the enemy, the king is advised to call them into his presence, and conciliate their differences; while those of less eminent station are to submit their feuds to the administrators of justice, so that internal peace, and obedience to the royal authority, may be restored. The strict execution of justice is enforced, "that the realm may be brought to good rule." Some regulations are issued for the artisans in gold, or rather in silver⁸: and, after some institutions concerning the coin, the new *placks*, or large pieces of base metal, the real *black money* which gave such just offence, are called in; a measure long due to an oppressed people.

March Charles VIII having acquired the active sovereignty of France, at the early age of fourteen, sent Bernard Stuart lord of Aubigny, and an inferior ambassador, to Scotland, to announce the new reign, and ratify the alliance: and James in
 July return sent an embassy to France, to obtain the ratification of Charles⁹. Meanwhile, though Richard III had increased the pension

⁸ For the act itself bears that the goldsmiths diminished the fineness of their "silver work," or wrought silver. The *placks*, next mentioned, seem the three-penny pieces of the chronicle at the end of Winton.

⁹ Lesley, 324. Hist. de Charles VIII par Jaligny, &c. Paris 1684, folio, p. 389. The succession to the crown of either realm, if doubtful, is to be settled by the prelates and nobles. The envoys to France were Argyle, Shevis, Evandale, Drs. Inglis and Ireland, &c. Crawf. Off. 45, from the public archives. This treaty seems unknown to Du Tillet, and the compiler of the ms. Leagues. A renewal of the alliance, 1460 or 1461, would be a curious discovery.

pension paid to the exiled earl of Douglas, the state of his affairs ¹⁴⁸⁴ did not permit him to assist that earl, or Albany, in the invasion of Scotland. In their impatience, these two leaders collected a troop of five hundred horse, and some infantry, hoping that their friends and followers would soon swell their array; and with this view advanced to Lochmaben, during a fair. But ^{22 July} the influence of Douglas was forgotten, even by his former vassals; and that of Albany was despised: the neighbouring gentlemen collecting some hasty bands, the occasion furnished numbers, fury arms; and after a conflict, or rather affray, which lasted from noon till night, the last Douglas remained the ignominious captive of a vulgar hand, while Albany found his safety in the swiftness of his horse. Douglas, now old and unwieldy, was conveyed to the royal presence; but, either from shame or scorn, turned his back on the son of James II, the destroyer of his house: a ray of pity illuminated the despotic mind of the king, who had now himself tasted misfortune: he sentenced the years and infirmities of Douglas, who had been educated to the church, to the religious retirement of Lindoris abbey, while the earl's indifference muttered, "he who may no better be, must be a monk." In this retreat Douglas perhaps first knew happiness; and died after four years of penitence and peace'.

Albany,

Lesley takes occasion to mention that some troops were now sent to France under Robertson; and that among the Scots in that kingdom were Albany, George Montgomery seigneur de Lorges, Aubigny, Robert Stuart marshal of France, and Nicolas Scot.

¹ Buch. XII, 52. Hume Dougl. I, 379—381. Drummond, 107, edit. 1655, folio. In the beginning of 1484 Douglas obtained from Richard III. an increase of his pension, Rymer, XII, 213, 218. On the 25th June 1484 he, and Albany, were at York. Ib. 228. In Scotst. Cal. 25 July 1484, a grant to Carruthers for service in the battle against Alexander Stuart and James Douglas: another

1484 Albany, having lost all hopes of Richard's assistance, retired into France; where he wedded, in his second nuptials, the daughter of the earl of Boulogne, by whom he had a son John, afterwards duke of Albany, and regent of Scotland during the minority of James V. The father, after residing in France for some years, was accidentally slain in a tournament by the splinter of a spear; leaving a fame fatal to his title, unnatural ambition, and the want of fraternal affection².

another 20 Aug. to Crichton of Sanquhar, for service in the said battle on the west marches. To Alexander Kirkpatrick, for seizing Douglas, the lands of Kirkmichael, forfeited by Crichton and his brother Gawin, 2 Oct. 1484.

² Buch. Hume, Drumm. ut supra. Lesley, 326, who, while he styles him Father of War, confounds him with Aubigny, a not unusual mistake from the similarity of the title. Our authors seem to concur that about 1484 Alexander duke of Albany wedded Anne of Boulogne, Less. 319. Lindsay, 131, 136, calls her the duchess of Boulogne. The act of 13th Nov. 1516 "Dame Agnes of Boloigne." Hay's ms. calls her Anna de la Tour; her mother Jeanne de Bourbon, sister of Francis duke of Vendome, (thus confounding Alexander with John.) St. Gen. 107.—Crawford, Stuarts, 39, speaks confusedly of Lauragnez, which was claimed by the father-in-law of John, L'Art, 726.

It is certain that the title of Boulogne was only an addition to that of Auvergne, from the fourteenth century, L'Art de v. L. D. 724; and that John duke of Albany wedded Anne de la Tour, in her own right countess of Auvergne and Boulogne. Ib. 726. The confusion may perhaps be cleared by supposing Agnes, wife of Alexander, one of the three daughters of Bertrand II count of Auvergne and Boulogne, thus,

Bertrand II of Auvergne and Boulogne.

John III of A. and B.	Agnes=Alex. d. of Alb.

Ann wedded her cousin = John d. of Alb.	

Alexander was accidentally slain in Paris, when inspecting a tourney between the duke of Orleans and another knight: Less. 326. This duke of Orleans was surely he who became Louis XII in 1498; and for 1483, in Drummond, 106, we may perhaps read 1493, as the date of the event; which is one of those that seems easy to trace and yet is difficult. See 1487.

The

The embarrassments of Richard and James rendering the ¹⁴⁸⁴ continuance of war ineligible to both, a treaty was opened; and, after a short negotiation, concluded at Nottingham³. To strengthen the pacification, it was agreed that James ^{21 Sept.} duke of Rothsay, heir of the Scottish throne, now in his twelfth year, should wed Anne de la Pole, only daughter of the duke of Suffolk, and niece of the English king⁴: but this marriage was defeated by the death of Richard. In the mean time the truce was only established for three years, upon the grounds of present possession, except with regard to the castle of Dunbar, still garrisoned by the English; and which, by a singular clause, the Scottish king was allowed to recover by force, after six months had elapsed, and upon a warning of six weeks given to Richard⁵: a mode probably intended to preserve measures between Richard and Albany. The powers comprehended are, on the part of England, Castile and Leon, Arragon, Portugal, Austria, Burgundy, Bretagne; on that of Scotland, France, Denmark, Gelder, Bretagne: and by an usual, but unaccountable article, except of mere form, the lordship of Lorn in Scotland, and the isle of Lundy in the river Severn, are excepted from the truce⁶.

In a succeeding national council, the renewal of the French ¹⁴⁸⁵ league, and the English truce, were solemnly approved: an ^{4 Feb.}

³ Rymer, XII, 236.

⁴ Ibid. 244.

⁵ Ibid. 236.

⁶ This form was first observed in 1464. Lundy, an almost inaccessible isle, was a receptacle for pirates, for whose acts the English kings could not be answerable. The exception of Lorn seems a mere form, for the sake of equality.

In Cal. B. V, 147, are some contemporary notes concerning this embassy. Richard received the envoys at Nottingham 12 Sept. in great state: a speech of Whitlaw the Scottish secretary is premised, but the fragment ends abruptly. A part of this celebrated oration is however preserved, Vesp. C. XVI, f. 75—79. It is in praise of peace, abounds with panegyric and professions, and applies to Richard the noted line,

Major in exiguo regnabat corpore virtus.

embassy

1485 embassy was ordered to be sent to York, at the expence of the clergy, barons, and burghs, in order to complete the marriage treaty⁷. As the truce permitted the capture of Dunbar, the parliament advises the king to proceed against that fortress, on the first day of May; and the right of peace and war again dubiously appears, in the particular directions given by the legislature. An embassy is also appointed to the pope, to obtain his confirmation of the French alliance, and of the treaty with Denmark concerning the Orkneys and Shetland; and this embassy Shevez, the archbishop of St. Andrews, offers to undertake at his own expence; a singularity, which like the expenditure of the commission to England, betrays great penury of royal revenue. A further solicitation was to be moved to the pontiff, that he would grant to the Scottish kings a power of superseding, for six months, the dispensations to vacant bishoprics; that they might have time to advance the promotion of such as they could trust, the bishops having the first vote in parliament, and being of the privy council. Another prudent statute, but attended with little success, occurs for the encouragement of the herring fishery in the western sea⁸. Symptoms of discontent disturb the national laws: some friends of Albany, or some foes to the weak government of James, are recommended to the royal blame: regulations for the administration of justice are repeated, and respites are reprobated as more iniquitous than pardons: the abettors of Albany's crimes are pointed out, as the objects of peculiar prosecution: and the king obliges himself to grant no respite, nor pardon, to notorious offenders for the space of two years; an engagement perhaps prohibitory of weak lenity, perhaps of avarice.

⁷ Acts, f. 71—f. v. 74. Compare Murray's edition, p. 80.

⁸ Murray's edition, p. 80. It is alluded to in the acts of 1487, f. v. 78. Granger, 701, forgets this statute of 1485.

If the castle of Dunbar was besieged, it was without success⁹. 1485
 Richard III, far from opposing the enterprize, was occupied
 in counteracting the designs of the earl of Richmond; who
 soon after landed in England, and sealed his title to the crown
 in the blood of the usurper; while Henry VII was hailed by 22 Aug.
 the acclamations of his victorious troops¹.

Meanwhile James had insensibly relapsed into his former
 impolitical conduct. Immersed in mean pleasures, and trivial
 pursuits, he neglected the reins of government, which were
 alternately relaxed, or restrained with too much violence².
 Lost in the retirement of his palace at Stirling, his chief cares
 were occupied in architecture and music, at best but laudable
 amusements. Had not the prosperity of the monarchy been
 neglected, public praise might have attended the erection of
 the great hall in the castle of Stirling, and that of the adjacent
 splendid chapel, in which a dean and a double series of chanters
 and musicians were appointed, that the royal ear might never

⁹ Buch. XII, 53, expressly says it was not retaken, till during a severe winter
 in the beginning of the reign of Henry VII. The art of besieging was little
 known in Scotland, even in the reign of James V: see Tantallon 1528.
 Drummond, 106, seems to date the capture 1486.

¹ Ferrerius, 398, and Lesley, 326, assert that Bernard Stuart, lord of Au-
 bigny, commanded some French troops which accompanied Henry. But the
 English historians, from veracity, or from enmity to the French and Scots, are
 silent, though minute in describing the arrangement of the battle. André of
 Tholouse, Domit. A. XVIII, mentions a *Dominus de Chande*, an eminent war-
 rior, as leader of the French.

² The ministry from the year 1483, after the flight of Albany, were Argyle
 the chancellor, in which office he appears in the parliament of Feb. 1484.
 Carm. 66. Crawford great chamberlain; the abbot of Holyroodhouse trea-
 surer; Mr. David Livingston privy seal; Whitlaw secretary. Scott. Cal.
 Lord Evandale survived till 1488, Crawf. Off. 39: he, and Shevis archbishop
 of St. Andrews, seem to have retained the king's favour till his death.

1485 want the luxury of sound³. But the most exquisite harmony of a king ought to be the voice of a happy people; and to this James was a stranger. Even his munificence arose upon discontent: the priory of Coldingham, which the Humes regarded as their patrimony, was now annexed to the royal chapel of Stirling⁴. The weak obstinacy of James was ignorant that there are barriers, and prejudices, which even eastern despotism dares not to infringe. Thinking that the spirit of the nobility was fled with Albany, the monarch issued a mandate that the nobles should no longer wear arms, as before, within the precincts of the court⁵: to add to the disgrace, Ramsay, the favourite who had escaped, and who had been recently created lord Bothwell, was excepted, as captain of the royal guard, an institution which apparently originated in the preceding reign⁶. The attachment of the Scottish monarch to England, and to English favourites, which had commenced in his youth, and had suffered little interruption from a short and unwilling war, was viewed with disgust by the prejudices of the people⁷. The peers even accused him of an intention to enslave

³ Lindsay, 136. Drummond, 107, says that James now became very devout, visiting the churches in procession every wednesday and friday.

⁴ Lindsay, 137.

⁵ Ferrerius, 399. Guthrie, often affecting to think for himself, and often thinking with puerility, contends, IV, 209, against Dr. Robertson concerning this institution, and confounds the court with courts of justice!

⁶ Our antiquaries, amid their eager pursuit of trifles, neglect objects of real curiosity and importance; and the want of dissertations on obscure points of Scottish history is much to be regreted. The first trace of a royal guard occurs in 1452, when Sir Patrick Gray was captain. Lindsay, 62. From Scotstarvet's Calendars it appears that, in 1473, Mr. David Guthrie was captain of the king's guard, and George Bell lieutenant.

⁷ The act of indemnity, (Acts, f. v. 82,) specially accuses James of "in-bringing of Englishmen, and to the perpetual subjection of the realm." This is

enslave the nation by English guards and armies: Angus, 1485
Argyle, Lennox, the lords Home, Hales, Drummond, Lyle, }
Gray, confederated together, again to imprison the king, and
to appoint the prince regent; but this design was delayed, till
a further occasion should be presented by the increasing weak-
ness of the government⁸.

In the midst of winter James advanced, and at length dis- 1486
possessed the English garrison at Dunbar⁹; but Henry VII,
disposed to peace by inclination and by policy, named the
bishops of Worcester and Lincoln, and other commissioners,
to meet William Elphinston the learned bishop of Aberdeen,
lord Bothwell, and others, on the part of Scotland: and a
truce of three years was concluded, the former being held as 3 July
annihilated by the usurpation, and death, of Richard III.
James was either ignorant of the perfidy of Angus, or con-
strained to conceal his knowledge; for the traitorous friend of
Albany is named as one of the conservators of the truce¹.

Margaret of Denmark, the amiable and respected queen of 1487
James III, died, in the middle period of life: the silence of
our early and barren historians, concerning her interference

is the reproach of enemies, but must have had some colour of truth. Ferrerius,
f. v. 398, mentions the favour of James to the English: and Henry VII was
not wanting in return to the Scots. Lest. 324. The ancient aristocracy seems
to have as yet inherited attachment to France.

A grand Scottish embassy was present at the coronation of Henry VII, 30 Oct.
1485, namely lord Bothwell the favourite of James, the abbot of Holyroodhouse,
lord Kennedy, Archibald Whitlaw dean of Dunbar the secretary, John Ross esq.
and the lion-king-at-arms, Ross herald, Unicorn pursuivant. See an account
of the ceremony at the end of Leland's Collect. Vol. IV, edit. 1774.

⁸ So Ferrerius, f. 399, Lesley, 327; and that there was an association, prior to
1488, may appear from the act of indemnity, which mentions articles "diverse
times granted and broken" by James.

⁹ Buchan. XII, 53.

¹ Rymer, XII, 290.

1487 in politics, may be interpreted in her praise; but their neglect to mention the epoch, and manner, of her death, redounds not to their fame². To the character of her virtues and accomplishments, formerly given, it is unnecessary here to add; but it may be suspected that the fate of James, soon to follow, had been somewhat protracted by the birth and connections, by the merits, and by the counsels, of the daughter of Denmark.

1 Oct. The last parliament during the reign of James III being assembled³, the king solemnly engaged to contribute to the protection of the common people⁴, harraßed by the wanton cruelty of the great families, and that of the public peace in general, by granting no pardon, for the space of seven years, to any persons guilty of treason, murder, setting fire to houses, rape, robbery, theft, or forging the coin. He also consented to several statutes, especially proposed by the commissioners of the burghs, importing, among less matters, that merchants engaged in foreign trade should have a certain property, and respectable character; that no craftsmen should engage in foreign trade; that the magistrates of burghs should be chosen

² From Rymer, XII, 328, where the marriage of James is proposed, it is evident that Margaret was dead before Nov. 1487; and the treaty of July 1486 being silent, rather indicates that she was then alive. Drummond, 106, seems accurate, when he says that she was buried at Cambuskenneth the last day of February 1486-7, (not the 29th, as he puts, the year not being bissextile.) Buchanan's arrangement of events is in concordance; and he dates at the same time the death of Alexander duke of Albany, XII, 55.

³ Acts, f. v. 74—78. The persons present may be found in Carm. Tracts, 73. It was prorogued to the 29th Jan. 1488, when James created his second son duke of Ross; and four peers, Drummond, Sanquhar, Yester, Ruthven; and knighted four gentlemen, among whom was William Carlyle son of lord Carlyle. Carm. Tracts, 72.

⁴ Abercromby, the devotee of despotism, may excite a smile when he interprets, II, 469, *poor lieges* to imply *dutiful subjects*. The synonym is singular.

as specified in a former act^s; that some commissioners of the burghs should meet once a year at Innerkeithing, to deliberate concerning commerce, and the interests of their towns. These transactions were popular; and the states express much satisfaction that the sovereign has so benignly granted to them all their desires and requests: but whether James really saw his errors, and resolved to cultivate a new mode of government, or those apparent concessions were extorted by his sense of discontent, and apprehensions of a dangerous conspiracy, must be left in doubt. However this be, the lords spiritual and temporal, barons, freeholders, and commons, engaged, on their part, that they should not support the cause of their criminal friends, or relations, by appearing with armed followers; a practice frequent in this and the following century, and which leads to the best interpretation of this statute: they moreover engage to contribute their assistance to the exact administration of justice. Several ordinances follow, strongly indicative of the height of feudal anarchy, the violence of the great, and the oppression of the poor: the feeble voice of the law appears to have been drowned in the public tumult, and civil order seems to have endured a violent relapse since the death of the first James: the blame can hardly be ascribed to external violence, time, or fortune; and while candour confesses the barbarism of the period, and country, it must at the same time allow that the relaxation of government by the royal neglect, and the sale of justice by the royal favourites, conspired to con-

^s The act referred to, in this important statute, is not evident; but it is mentioned as guarding against "partiality and mastership," apparently the interference of peers, or great neighbouring landholders, in the election of the magistrates, a practice to be reprobated by statutes of subsequent reigns. Even the act of 1469, (perhaps alluded to,) might have served as some antidote to this interference.

1487 ¹⁴⁸⁷stitute the worst of tyrannies, upon which a complete satire is authentically conveyed in the national decrees. Such was the increase of crimes, that Justices General are appointed for the divisions north and south of the Forth, to hold courts in every part of the realm with all expedition, supported by their own power, and what aid the king could spare, in order to bring transgressors to punishment, and to rescue the royal authority from contempt.

In this parliament the lands of March and Annandale, which had fallen to the crown by the forfeiture of Alexander duke of Albany, earl of March, Mar, and Garioch, lord of Annandale and of the isle of Man⁶, are annexed to the regal domains; by a solemn deed, authenticated by the seals of the bishops, abbots, priors, earls, lords, barons, freeholders, and commissioners of burghs. A statute appears for the encouragement of strangers, who import provisions, and other merchandize: and another, appointing four persons from each of the three estates, to revise the ancient laws.

27 Nov. The transactions of this year are closed by a singular indenture, subscribed at Edinburgh by the Carlile herald for England, and Snawdon herald for Scotland⁷, importing that the bishop of Exeter, and sir Richard Edgecomb, the English ambassadors, had agreed with the bishop of Aberdeen, and lord Bothwell, commissioners on the part of Scotland, in the following manner: that, to establish a lasting peace, three marriages

⁶ Albany, and his son John, bore the arms of Man, as appears from the medal and seals of the latter. Ferrerius, f. v. 394, says the English seized Man in 1482. Yet, since the year 1335, that isle is understood to have been subject to English lords; but perhaps when James in 1469 acquired the Orkneys, he revived the claim. If an actual conquest took place it is unmarked in history.

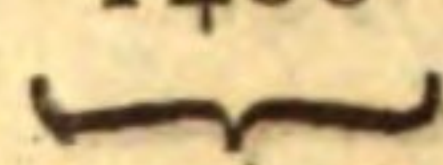
⁷ Heralds, like their science, have often romantic appellations. *Marchmont* was Roxburgh: *Snawdon* seems to have been Stirling palace. Itin. Will. de Worcester.

should be negotiated; between James, and Elizabeth widow of Edward IV; the duke of Rothsay, and a daughter of Edward; the marquis of Ormond second son of James, and Catharine the third daughter of the same English sovereign: and that to conclude these contracts, and to terminate the controversy concerning Berwick, which the Scottish king ardently desired to regain, a congress should be held at Edinburgh on the twenty-fourth day of January next, another in May, and an interview between the kings in July⁸. This treaty evinces the strong desire of Henry VII to secure the amity of Scotland; and at same time the attachment of James to the English, laudable in itself, and concordant with the best interests of his kingdom; but impolitic, considering the period, and national prejudices.

The final events of the reign of James III approach, interesting from their novelty, and magnitude. A gradual confederacy of many nobles had long been forming against the feeble and despotic government of this monarch; but amid materials not eminent in opulence, or accuracy, amid the various interests and political views of modern writers, it is difficult to ascertain the different actors in this important scene. There is no evidence that the congress, appointed to be held by the commissioners of England and Scotland in January, took effect; and it even seems that the caprice of the Scottish king, or some other cause, had alienated Henry, who granted a safe-conduct, in terms rather unusual, to the bishops of Glasgow and Dunkeld, the earl of Argyle chancellor of Scotland, the lords Hales and Lyle, the *masters*, or heirs of Darnley and Home, with one hundred and sixty attendants⁹; not as embassadors,

⁸ Rymer, XII, 328.

⁹ Ibid, XII, 340, May. On the 30th Jan. Henry had issued a commission to Northumberland, to treat of peace, ib. 334. On the 2d Feb. a safe conduct appears to twelve persons, not named, as envoys sent by James, ib. In May a commission

1488  ambassadors, but for causes unknown, and the more extraordinary as some of them undoubtedly belonged to the conspiracy, and a rational suspicion must affect the others. On all sides it is agreed that the former traitors, Angus and Gray, united to them Home, justly enraged at a despotic violation of private property; the first and the last nobleman being the chief authors of the rebellion. The power of the Hepburns was led into it by lord Hales; and the treason of the lords Drummond, and Lyle, is equally unquestionable. Darnley, or Lennox, is obnoxious to the same charge, from the strong testimony of the earliest narration, and from the mention of his son in the English passport; which fixes a stain on Argyle, the less easily to be overcome, as he also appears in the most ancient account. When it is added that to these great names afterwards acceded Huntley, Errol, the earl Marshal, and lord Glamis, the impolicy of James, which could alienate so many chiefs, must appear in a striking point of view; and the rebellious war of Douglas, in the preceding reign, sinks into unimportance, when compared with this grand confederacy¹. On the part of the king remained

commission was given to two people of inferior rank, to treat of a peace; but perhaps really to negotiate with the conspirators, *ib.* 340.

At Easter 1488 (6 April) Ramsay, lord Bothwell, was in the English court, as envoy from James. *Celebr. of Easter 3 H7. end of Leland's Collect. Vol. IV.*

¹ For the names of the peers who opposed James compare Ferrerius, f. 399, Lesley, (who however seems here to copy the former,) p. 327: Lindsay, 139, names Angus, *Evandale*, the Hepburns, (so understand his erroneous earl of Bothwell,) Home, 140, Gray, Drummond; and from p. 142 it appears that the men were chiefly borderers, whom the justice of James wished to repress. It must be observed that *lord* Home is here so styled by anticipation, as he did not bear the title till 1489, on the death of his grandfather, a very aged peer. Douglas, 344. Buchanan hardly mentions any names. The dereliction of the royal party by Huntley, Errol, Marshal, Glamis, is evinced from the act of indemnity, Acts, f. 82. The records, and events, of the first year of James IV also

mained the earls of Crawford, Athole, Monteith, Rothes, 1488 Sutherland, Caithness, Buchan, the lords Forbes, Lovat, Erskine, Maxwell, Ruthven, Kilmauris², and Boyd. The causes of the conspiracy have already arisen to view, in the course of the narration: the open pretext was that James had introduced Englishmen into the kingdom, with a design to subdue it to his own absolute power, and to foreign influence³: the professed intention, to dethrone, and imprison James; and assign the royalty, or regency, to his son.

also present veracious testimony. Argyle's continuance as chancellor indicates his being one of the rebels. Oliphant, who sat on the forfeiture against Ramsay lord Bothwell, with five of those above-mentioned, may also be suspected: and Seton and Fleming, from Lindsay, 146. Redpath, 457, suspects the bishops of Glasgow and Dunkeld, named in the English safe-conduct; as *spiritual* lords are mentioned in the papal remission. Add that the parliament of James IV, Jan. 1489, constituted Glasgow an archbishopric in favour of Blacader. Carm. 75. He, and Brown of Dunkeld, were of southern families, attached to the Hepburns and Homes.

² Kilmauris was soon after Glencairn: Ferrerius mentions Sempil (f. 400), not yet a peerage. If we add Mar, Moray, Borthwic, Yester, Morton, Salton, Carlyle, Sauquhar, Hamilton, Lindsay of Byres, Innermeth, Abernethy, Kennedy, Cathcart, Haliburton, Somerville, almost the whole Scottish peerages of the time will have been named. The number little exceeds forty.

³ Act of indemnity, Acts, f. v. 82. The charge is ridiculous, and evinces the innocence of James, and the ignorance of the rebels. See the accusation of Buchan, 8 Oct. 1488, Carm. 77, as a sharer in the *treason*, which was to bring Englishmen and their king into Scotland, and to sell the country to the earl of Northumberland and *sir William Tilder*! A singular obscurity surrounds the events of 1488 and 1489. James probably applied to Northumberland, to assist him, by invading the borders, the inhabitants of which were his chief enemies; and hence the accusation against himself and Buchan. Sir William Tilder is surely sir William Tyler, captain of Berwick at the time, and concerned in several important negotiations. See Rymer XII, 465, 495, 532, 548, 554, 569, 572, 635. In Perkin's Manifesto, 1496, Tyler is mentioned as one of the mean persons employed by Henry. Carte, II, 848.

1488 { Of the events which preceded the decisive engagement, Buchanan has, contrary to his usual practice, given the most ample and accurate detail, and the most concordant with the original records. According to that historian, James shewed distinguished favour to Crawford, whom he afterwards created duke of Montrose; and to Angus, whose conduct at Lauder, and attachment to Albany, he affected to forget. But the king's dissimulation and insincerity being known, Angus regarded this new affection as only the snare of his own destruction, and even suspected that his powerful concurrence was courted against the peers, with a view to sow division and ruin, afterwards to recoil upon his own head. It is asserted that the factious nobles being assembled at Edinburgh, the king invited Angus to the castle, and proposed to him to lend his assistance in making them prisoners. Instead of compliance, the earl disclosed the design to the peers, and joined them in their retreat⁴.

Jan.

In consequence of this most imprudent confidence, after the desertion of Angus, the chief potentate on the south of the Forth, who could have assisted him against the rebellious inclinations of the remainder, James distrusting the whole of that region, resolved to pass into the north, which remained devoted to his interests. With his usual imprudence he crossed the Forth in one of sir Andrew Wood's vessels, employed in the Flemish trade. A report immediately spread that the king,

* Buchan. XII, 56, 57. The deep shades of this historian are somewhat softened. He says that James proposed to Angus to assassinate the rebellious peers; but Ferrerius, 400, allows that the king had a marked aversion to shedding blood. The assemblage of the peers at Edinburgh could only have been on account of the session of parliament, there held on the 29th Jan. in which James, as above-mentioned, created four new peers, Carm. 72, with a view to weaken the old aristocracy; but one of them, Drummond, ungratefully joined the rebels. On the rebellion of Douglas 1454 many new peers had been, for the same reason, created.

overcome by his fears, had quitted the realm to retire into 1488
Flanders; and amid the general consternation the rebels took
the castle of Dunbar, and advanced to Leith. Having issued
orders to the array of Fife, Strathern, and Angus, to attend his
standard upon an appointed day, James proceeded to Aberdeen,
where the northern counties eagerly poured forth their bands in
defence of the royal cause⁵.

The king now returned to Perth with his standard displayed,
and followed by Athole his uncle, by Huntley, Crawford, and
many northern peers and chiefs, and by a numerous army. As
he advanced David Lindsay of the Byres, who had gathered
warlike experience in the campaigns of France, joined him
with a thousand horse, and three thousand infantry, if we credit
the, perhaps, partial relation of Lindsay the historian; who
adds, that the king accepted from his hands the ominous present
of a grey courser, more fit as would seem for flight than for
attack. Among others who furnished their array, lord Ruthven
was also remarkable, who led a thousand gentlemen on horse-
back, provided with defensive armour and spears, a thousand
bowmen, and a thousand armed with swords and mail. When
James had reached Stirling, he was followed by thirty thousand
men, who only wanted a leader⁶.

Thus prepared he advanced against the rebels, who had
not been deficient in their preparations. He found them near April?
Blackness, on the south of the Forth; and an indecisive skir-
mish followed, in which Crawford, sir Thomas Turnbull, who

⁵ Lesley's account, 328, 329, is very defective. Ferrerius, f. v. 399, f. 400, confounds the affair at Blackness with that at Sauchy; and Lindsay falls into the same error p. 137—144; at p. 142 of his history a hiatus should be marked before the paragraph, "Thus the king being in order," &c. as all before relates to the first encounter; all after to the second.

⁶ Lindsay, 140, who adds, "by commons," or exclusive of the common attendants of an army. Ferrerius, 400, estimates forty thousand.

1488 bore the royal banner, and Innes of Innes, eminently distinguished their valour. But both parties being sensible of the odiousness of shedding civil blood, and dreading the absolute decision of the contest, a negotiation commenced; the king subscribed some unknown articles, and delivered Athole to Hales as a pledge of their accomplishment. The armies were dismissed, and tranquillity was for a very short time restored⁷. Thus did the timidity of James lose an occasion never to be recalled.

The demands of the rebels appear to have been exorbitant; and James eluding or delaying their accomplishment, the confederates gradually extended their influence, and projects, till at length they insisted on the king's abdication, and the substitution of his son in the regency, or on the throne⁸.

The monarch learning this formidable design dispatched envoys to France, and England, to solicit the immediate interference of these powers, by ambassadors to mediate between him and the discontented aristocracy: but this mediation, if effected, was fruitless⁹. The royal heralds, sent to summon the refractory peers, were treated with contempt and personal

⁷ Even Buchanan blends with this singular transaction some circumstances, palpably belonging to the events of June, as the capture of the prince by the rebels, which, if it had occurred, would have rendered the deliverance of Athole as a pledge useless, a superior security being already in their hands. Nor does he hint at any conflict, though the *battle* at Blackness be mentioned in the creation of Crawford, duke of Montrose, for his services in "the said battle," Scott. Cal. 18 May 1488. Rudd. Buch. I, 446. Of the same date is a charter to sir Thomas Turnbull of Greenwood, who bore the king's banner. Scott. Cal. Of the 24th May is one to Innes of Innes, ib. of the 17th to Colless of Balnamone, and Somer of Balyard, confirmed March 1500. Ib. under the latter date. All are for services on this occasion. Lord Kilmauris was created earl of Glencairn; but the title died in a few weeks with its owner, and was not revived till 1503.

⁸ Buch. XII, 59.

⁹ Ferrer. f. v. 399. Less. 328. Buch. XII, 59.

injury; and their written mandates torn in derision. Both parties again prepared to terminate the dispute in the field. James fortified the castle of Edinburgh, where the treasure accumulated by the unwise avarice of many years was placed; and again sent to summon the northern chiefs to his standard.

1488

May

Meanwhile the conspiring peers found means to corrupt Shaw of Sauchy, in whose charge the prince had been left at Stirling; and the infamous governor surrendered the innocent youth, who was conducted to Linlithgow, and by constraint was to appear guilty of a father's blood. It was artfully proclaimed that James fought the life of his son, whose defence had called the peers to war; and the prince's name was itself an army. A part of the king's treasure, which had formerly been seized at Leith, contributed to provide waggons for baggage and stores, and to attract the desperate and the mercenary¹.

James proceeded to Stirling, to join the peers of the north and west, who were advancing with their troops. On his arrival the treacherous governor denied him admittance. In the north, Huntley, Errol, the earl Marjhal, and Glamis, had now deserted the royal cause; and the junction of such distant troops as continued their attachment was attended with necessary delay. In the impatience of irresolution James was led to commit his fortunes to a battle. Glencairn, and other peers of the west, having joined the royal army, the king advanced to meet the rebels, who had passed the Carron; and a field, about a mile south of the famous scene of Bannocburn, was to

¹ Lindsay, 139, 140. Buch. XII, 58. Our historians seem unanimous that the prince was in the hands of the faction, before the affair of Blackness; but some difficulties attend that supposition; and they, as mentioned, confound the transactions.

1488 be the spot of this civil conflict². The army of the peers was
 18 June apparently superior in number to the royal battalions: but the
 cowardice, and instantaneous flight, of the king terminated the
 action, with small effusion of blood. It was in vain to defend
 a cause thus betrayed by its patron; and the adverse ranks
 shrunk from the horrors of mutual slaughter. Yet a few
 showers of arrows had darkened the air, and the long spears of
 Annandale had made an impression on his array, before James
 left the field: Glencairn, Ruthven, Erskine, and a few others
 of rank, were slain; and many were wounded³.

As the king, in his flight, was about to pass the rivulet Ban-
 nocburn, at the hamlet of Miltown⁴, a woman, who was
 drawing water, alarmed at his appearance, and rapidity, fled,
 and left her pitcher, which startled the steed, or disordered his
 career, so that the unexperienced rider fell from the saddle,
 and oppressed with the weight of his armour fainted away. A
 miller and his wife conveyed their unknown sovereign into a
 corner of the mill; and, to conceal the stranger from any pur-
 suers, they covered him with a cloth. Some time after he re-
 sumed his senses; but perceiving himself much hurt, and very
 weak, he called for a priest to hear his confession: and to his
 blunt hosts, who enquired his name and quality, his impatience
 answered, "I was your king this morning." The woman upon
 this ran into the road, wringing her hands, and calling aloud
 for a priest to the king. It so chanced that some of the rebels
 were in the neighbourhood, engaged in disorderly pursuit; and
 a priest, one of lord Gray's followers as is said, riding up, ex-

² It is called Little Canglar, on the east side of Sauchy-burn. Nimmo's Stir-
 lingshire, 226.

³ Ferrer. 400. Lindsay, 142. Buch. XII, 61. The date also appears in the
 chartulary of Glasgow, ms. Harl. 4631.

⁴ Nimmo, 230.

claimed,

claimed, "I am a priest, where is the king?" Being conducted to the place, he knew his sovereign; and kneeling enquired if he thought he might survive, by the help of surgery, to which James answered, "I believe that I might; but let me have a priest to hear my confession, and to bring me the eucharist." The priest, it is averred, heard his confession; and then stabbed the unfortunate monarch: whose weakness deserved a milder fate than to fall the victim of a lawless aristocracy, more inimical to public order, and prosperity, than the feeble despotism of their sovereign^s. 1488

On this important event some reflections naturally arise. Had James been victorious, the power of the Scottish aristocracy might have been crushed for ever; and, weak and despotic as he was, it would have been better for the people to have had one tyrant than many. But this monarch, (if we set the dubious murder of his brother aside,) was more weak than vicious; and even when his feebleness and impolicy are mentioned, it is rather in a relative than in a positive view, for his conduct was chiefly blameable, because ill-adapted to the ferocious times and people, which required, in the character of sovereign, the duties of a magistrate, and the valour and skill of a general. Had James lived a century or two later, his faults would perhaps have escaped observation. But the conduct of the rebellious peers, whose sanguinary lust of power, and eagerness to continue their lawless rapine, opposed the son in open combat against his father, that last infamy of civil war, cannot be too severely reprobated. They excite horror, while the monarch attracts a reverential compassion. Loyalty, in some cases only the virtue of a slave, is in many the truest patriotism;

^s Ferrer. f. 400, Lesley, 329, Lindsay, 143, 144, Buch. XII, 61. Nimmo, 230, says the house, where this atrocious deed was committed, is still in existence, and is called Beton's miln, probably from its proprietor at the time.

and

1488 and it is no wonder that men of eminent sense and integrity have manifested an attachment to the house of Stuart, approaching even to enthusiasm. For its interests, in opposition to those of that wild, ignorant, and ferocious aristocracy, which long continued to disgrace Scotland, were those of the country at large. The exuberant power of the peers, ever eager to gratify their private ambition at the expence of the nation, was the sole spring of the noted misfortunes of the house of Stuart. A long reign⁶, a stable government, would have circumscribed their ruinous sway, would have prevented their plans of public plunder; and they sighed for a minority, a regency, the peculiar season of their arrogance, of their spoil. The regency of Robert duke of Albany had taught them the sweets of sharing the royal power, domains, and revenue; and had contributed to the separation of their interests from those of the monarch, whose influence rested on their support, and whose limited wealth and authority could little withstand their continued encroachments. Yet by uncandid or superficial observers, the desire of our kings to resume their just magistracy, and to enforce equal laws, has been interpreted as a design to overturn the aristocracy, while the royal measures were solely those of defence. But as the peers really possessed the chief power, it is no wonder that historians living at the period, flattered, as usual, the leading authority; and have diffused over their pages calumnies against their sovereigns, easy to form and difficult to eradicate. In England, and in France, the fall of the aristocracy about this time was occasioned by

⁶ It is remarkable that some historians hint that James IV fell not at Flodden, but by the hands of some one of his peers; and perhaps a theorist might infer that the cannon which destroyed the second James was not overcharged without design. But the deaths of James I, the III, the V, were caused solely by the aristocracy.

chance,

chance, by the revolution of human affairs; in the former 1488 country by the wars of York and Lancaster, in which most of the ancient noble families perished; in the latter by a similar destruction in the struggles against England: no power of the sovereign could have effectuated so vast a plan, even in those more civilized countries: and to impute such a design to the successive princes of the house of Stuart, seems the excess of system and theory, the bane of historical veracity.

James III fell the victim of the ambition of others, and not of his own. He had held the sceptre nearly twenty-eight years, though his age amounted not to thirty-six. His issue were James his heir; a second James marquis of Ormond, and afterwards duke of Ross, and archbishop of St. Andrews; John earl of Mar. No female progeny survived to represent the graces, or mild virtues, of their mother⁷.

⁷ Crawf. Stuarts, 43, corrected by Stewart's Gen. 79.

SECTION I.

THE origin, and progress, of civilization, depend on fortuitous circumstances, than upon any exertion of human power, or wisdom. In India, and Egypt, countries distinguished by the first dawn of science, the fertility of the soil redeemed much time from labour; and gave leisure to the mind to build speculations of knowledge and improvement of art and luxury. Yet that much depends upon the spirit of the governors, may be judged from the example of the lawgivers of antiquity, and of Peter the Great, and others in modern times.

BOOK IX.

A RETROSPECT OF THE STATE OF SCOTLAND,
DURING THE REIGNS OF JAMES II, AND III.

Sect. 1. State of the people, and of civilization—2. Government, laws, tactics—3. Agriculture, useful arts—4. Commerce, money, navigation—5. Ecclesiastical history, literature, language—6. Ornamental arts, manners, dress.

SECTION I.

State of the people, and of civilization.

1437—
1488 **T**HE origin, and progress, of civilization seem more to depend on fortuitous circumstances, than upon any exertion of human power, or wisdom. In India, and Egypt, countries distinguished by the first dawn of science, the natural fertility of the soil redeemed much time from labour; and gave leisure to the mind to build speculations of knowledge and improvement, of art and luxury. Yet that much depends upon the ability of the governors, may be judged from the example of the lawgivers of antiquity, and of Peter the great, and others in modern times.

No theme can be more important than the means of diffu-¹⁴³⁷⁻
 sing civilization in a barbarous country, yet the richest libra-¹⁴⁸⁸
 ries will be found to present no disquisition on this grand topic. }
 Sir Walter Raleigh has observed that "the wisdom of one age
 is the foolishness of another;" and the remark is peculiarly
 verified in the labyrinths of fruitless science, while the paths
 of useful knowledge are seldom explored. Many eminent
 writers have recently reviewed the progress of society, from
 the forest to the city, from the feeble canoe to the wooden
 fortrefs which conveys a thousand mariners, and thunders its
 mandates in the most distant seas: but the sacred plans of im-
 proving whole nations, of educating the barbaric mind to in-
 dustry and peace, of speedily advancing a community from
 rudeness to refinement, have not yet attracted the attention
 which their high importance demands. The very theory
 would afford useful views, and expand political and moral
 knowledge: but leaving this vast theme to the sedulous labour
 of philosophy, the present object only warrants a few brief re-
 flections.

Amid the various questions concerning government, it has
 rarely been discussed to what particular stages of society the
 different forms are best adapted. One of the chief intentions
 of government, and society, is to advance the national wisdom
 and prosperity; and it seems a self-evident proposition that a
 democracy of savages, or barbarians, would be a mere anar-
 chy; and that equality of ignorance, and equality of misery,
 would be among the most sacred rights of its constitution. As
 the advantages of laws would be unknown, it would be vain
 to expect a lawgiver to arise; and the more sagacious could
 only consolidate the mass by the cement of some degrading
 superstition, in itself the very strongest obstacle to knowledge
 and improvement. But the habits of man forbid such a state

1437—to exist, except in theory; and an aristocracy of chiefs and of
 1488 priests, of strength and of wisdom, is the earliest stage of so-
 ciety yet discovered in any country. Even here the smallness
 of the communities, their jarring interests, their continual
 conflicts, present an insuperable barrier to improvement; and
 such is the path of providence in drawing good from evil, that
 the first tyrant who overcomes all the others, and usurps the
 style of monarch, may be hailed as the father of his country.
 Superstition, the execration of civilized nations, is in this
 stage most useful, as uniting the people in one great body
 politic, and as assisting the imperfection of the laws. The
 blended tribes aspire to be a nation, the government assumes
 a stable form; the monarch must employ the most able men
 in the country, or invite foreign talents, to render his autho-
 rity lasting and respectable; and the court thus becomes a
 focus of civilization, which must enlarge the more rapidly in
 proportion to the ascendancy of the regal power. Uncivilized
 nations may be regarded as in a state of infancy, incapable of
 judging what is for their benefit; and exertions, even of des-
 potism, to render a nation more happy, may, it is believed,
 be pardoned by the warmest advocate for universal democracy.
 Such have been the uniform steps of civilization, in all
 ancient and modern nations. The democracies of Greece had
 passed through the ordeal of monarchy: and if the republican
 form of government be ever found convenient and durable, in
 a large country, even after the invention of representation, it
 must be when the national character has been enlightened, and
 improved in a superlative degree.
 No error can be more fatal to the balance of historical truth,
 than the estimation of ancient times by modern ideas. An
 institution, eminently useful at one period, may at another
 become most pernicious; and the bane of one epoch may be-
 come

come the felicity of another. While in a barbaric country the 1437-
 regal power forms the chief engine of civilization and prospe- 1488
 rity, and an ignorant aristocracy the grand obstacle to these
 important ends, in a more advanced period an enlightened
 aristocracy may diffuse multiplied rays through the national
 mass, and kindle the flame of industry and improvement in the
 most remote corners of a wide empire: may by their presence
 and example vanquish prejudices, irradicable by the laws or
 regal power, or by any democratic scheme, in which the
 people may assert their right to ignorance and fanaticism. In
 short, whatever form of government most promotes domestic
 comfort, and universal prosperity, during any particular pe-
 riod of the national progress, may be regarded as the most
 eligible, without attention to any universal theory, or predi-
 cation for particular constitutions. A barbarous common-
 wealth (if such ever existed without an aristocracy) could only
 become enlightened by the conquest of civilized states: Sparta,
 and Poland, loudly proclaim the disadvantages of an ignorant
 aristocracy, destructive of all art, science, and national ad-
 vancement: that despotism is the worst of all forms for a civi-
 lized people, the desolated regions of the east murmur with a
 melancholy echo.

The state of Scotland continues to present a considerable
 degree of barbarism during the reigns of James II and III.
 The laudable efforts of the first James, to introduce public
 order, were followed by fatal minorities, and confusions; and
 the aristocratic storms again ruined the welfare of the commu-
 nity. In impressive language Bowar, who flourished in the
 minority of James II, bewails the misery of his country.
 "Long appears to us, O king, the time of thy arrival at
 majority, when thou mayest be able to deliver us, confounded
 as we are with daily tyranny, oppressed with rapine and spoil;
 when

1437— when thou mayest dictate laws, and exercise justice, that the
 1488 poor, who among us have no helper but God and thee, may
 be freed from the hand of the powerful. Mayest thou remember that thou art a legislator in order that thou mayest crush the robber, and restrain those who deal in rapine.” “ The groans of the humble, and the miseries of the poor, whom I myself, who write this, have seen this very day, in my own neighbourhood, stripped of their garments, and inhumanely despoiled of their domestic utensils, constrain me to exclaim with him who says, ‘ I have seen the injuries which are done, the tears of the innocent, and no comforter ; and that the destitute cannot resist violence. I have praised the dead more than the living : and happier than both have I esteemed the unborn, the sole strangers to the evils of this world.’ And in another passage, comparing the reign of James I with his own times, “ Woe to us miserable wretches, exposed to rapine and injury, how can we endure to live, who enjoyed such prosperity in the days of that most illustrious king, and now by a sad change of fortune experience the complete reverse ! ”

It is remarkable that this contemporary author clearly indicates the monarch as the legislator, a circumstance which confirms the idea formerly advanced that the king and his council prepared the laws, which afterwards received the sanction of parliament. Nor did James II fail in the hopes which Bowar entertained ; for numerous are his laws calculated for the advantage of the poor. The preceding pages present the more memorable ordinances, but a brief recapitulation may not be improper. The strict observation of universal internal peace, with the privilege of demanding a surety from the turbulent ; the equal administration of justice ; the punishment of those

¹ Cont. Fordun. 473, 474, 512.

who

who assist infringers of the law : the security of leases, for the 1437—
 safety “ of the poor people who labour the ground,” whatever 1488
 change of lords might happen : the privilege to farmers of
 church lands, not to be expelled on a vacancy of the benefice :
 the severe decrees against despoliation². A singular act merits
 transcription ; “ It is statute and ordained, for the away-putting
 of fornars, over-lyars, and masterful beggars, with horse,
 hounds, or other goods, that all officers, sheriffs, barons, al-
 dermen, baillies, as well within the burgh as without, take
 an inquisition at every court which they hold concerning these
 matters : and if any such persons be found, that their horses,
 hounds, or other goods, be escheated to the king ; and their
 persons secured till his will be known. And also that the
 sheriffs, baillies, and officers, inquire at every court, if there
 be any pretended fools, bards, or other such like vagabonds ;
 and if any be found, that they be put in custody, or in irons,
 for their trespass, as long as they have wherewith to live, and
 when they have not, their ear to be nailed to the trone, or a
 tree, then cut off, and they banished the country ; to which if
 they return, they shall be hanged³.” This forcible lodging of
 some of the pretended great, and idle, upon the poor, was a
 notable grievance ; and they are deservedly placed with con-
 tempt in the same statute which condemns pretended fools,
 and highland bards. By another statute these *fornars* are
 punished with death. The country, though long since de-
 livered from such oppressive lodgers, still classes sturdy beggars
 among its grievances⁴.

² Parl. 1450, 1469, &c. The privilege to farmers of church lands occurs
 in a charter of 1450. Harl. 4631, Vol. I.

³ Parl. 1450, c. 21.

⁴ See the valuable Statistical Account of Scotland, by Sir John Sinclair,
passim.

1437— This prince also regulated the customs exacted at fairs, but
 1488 apparently not with a sufficient liberality to trade. James III
 justly extended the prohibition, and forbad any exaction from
 the poor who carried their little articles to the fairs⁵. *Jean Bonhomme* has, in all ages, left a great part of his fleece,
 either on the brambles of aristocratic oppression, or shorn by
 the polished scizzars of taxation, often only a circuitous mode
 of oligarchic avarice and extortion. The regulation of the
 hospitals for the sickly poor, and other statutes of humane im-
 port, confer honour on the intentions of the legislature.

James III ordered copper coin to be issued, for the conveni-
 ence of the indigent; that on account of the holidays “and
 divine service,” no distrefs for rent should take place, till three
 days after Whitsunday and Martinmas: that the proprietors of
 ferry-boats be restricted to certain freights: that persons ad-
 vancing to the army refrain from injuring grafs, or corn⁶.

Of the laws concerning the burroughs, passed in these two
 reigns, some account has already been given in the historical
 narrative. The municipal authority became an oligarchy in
 the reign of James III, on pretence “that great contention
 had arisen, through the multitude and clamour of common
 simple persons⁷ :” and this form was unhappily to continue,
 because a few are more easily influenced by government, than
 a great number. But it is surely the genuine interest of a
 government to stand upon as wide a basis as possible: and for
 the sake of a few to render a number discontented, cannot be
 an act of political prudence.

Edinburgh is, at this period, by an English contemporary
 historian styled a very rich town⁸. The city and barony of
 Glasgow

⁵ 1469, c. 34.

⁶ 1469, c. 35. 1474, c. 62. 1481, c. 82.

⁷ 1469, c. 30.

⁸ Cont. Ann. Croyland ap. Gale, Vol. I, p. 563, “ditissimum oppidum.”
 The author blames Gloucester for not sacking it in 1482; while he took Ber-
 wick,

Glasgow were, in 1450, granted to the bishop, and his successors, blanch for a red rose: and archbishop Beton was to date "from my city of Glasgow?" But the prosperity of the latter city was to commence during the usurpation of Cromwell. 1437—
1488

A poem written in the latter part of the reign of James III, or beginning of that of James IV, presents curious intelligence concerning the manners of the citizens'. A question is proposed, Why the wealth of burghesses commonly expires with their immediate heirs? The reasons assigned are, that their fathers begin in rigid poverty, "with good luck, and a half-penny, and a lamb's skin;" then proceed to the situation of a pedler, who, when his pack becomes worth forty Scottish pounds, buys a large horse, then a cart. The next stage is a shop in town; with a counter, chests, and Flemish coffers. He becomes a merchant, and goes to sea with exports and imports; marries a rich wife; his cupboard of plate is worth three thousand pounds; his gowns and other garments are gay, silk on fundays, green or grey cloth at other times; while his wife is arrayed in scarlet. He dies; and his heir succeeds to opulence unacquired by labour. The son is nurtured in luxury, wears rich rings, and is disgusted to hear that his father sold sheep-skins: keeps many servants, spends his time in the tavern, or playing at *hazard*; till sinking into penury, he becomes the follower of some lord's son at court.

wick, which cost England annually 10,000 marks, "*perditio non acquisitio*." The remark of this old writer on *benevolences* is curious: "*ubi per benevolentiam quilibet daret id quod vellet, imo verius quod nollet*," p. 558.

On the 16th April 1452, the king, for the friendship he bore to the earl of Orkney, exempted Edinburgh from the customs on salt. Scotst. Cal.

* Scotst. Cal. and see reign of James V.

* The Tales of the Priests of Peebles, in Scarce Scottish Poems reprinted, London 1792, Vol. I. p. 9.

1437— In the same poem the maladministration of justice is repeat-
 1488 edly mentioned, as a chief cause of the oppression of the poor.

The coroners, the justices, the serjants or mairs, derived their impious emoluments by extortion, on various pretexts, from the more thriving yeomen, till they reduced them to poverty, or forced them to leave their jurisdictions, when their successors suffered the same fate. Bribes alone could secure an audience; an honest farmer would be accused of theft, or rapine; and the fine imposed was measured by the prosperity of his industry². The very laws intended for the protection of the poor were converted into instruments of their oppression; while the repeated statutes for the due administration of justice were eluded during the regal sway, and fell asleep during a minority. Even so late as Mary's reign, the balance of justice was commonly used in weighing which bribe was heaviest. It was reserved for England to set the first example to the world, of complete and impartial justice, one of the chief blessings of civilized society: and though the expence of the law be great, that of a potent bribe might far exceed it, while equality of wealth could alone secure an equitable decision.

The Burgundian historian, in describing the marriage of Mary of Gelder, mentions the manners and dress of the common people as very rude. "There are even," says he, "many among them who seem to be altogether savages³." The contrast between a polished Burgundian, of the most splendid court in Europe at the time, and a Scottish highlander, must indeed have been striking.

Of this barbarism the want of education was a chief source; a defect which Scotland has since supplied, in a most laudable

² Ibid. p. 12, 24, &c.

³ De Coucy, at the end of the history by Jean Chartier, Paris 1661, folio, p. 575.

manner,

manner, by innumerable schools, where the mind may be ^{1437—} cultivated at an expence accessible by the most indigent. It is ¹⁴⁸⁸ only to be regretted that so little attention is paid to the salaries of the humble teachers; who, while their income ought not to raise them above their office of educating the poor, ought however to be enabled to preserve the ease, and respect, due to so useful an order of men.

The dress of the common people continued a long time in the state described in the former retrospect. The sumptuary law of James II ordained that no burghers, except bearing a municipal office, shall wear gowns of silk, or scarlet cloth, or decked with *mertrick* furs. The regulation is extended to their wives, and daughters; who are moreover to use no gowns with long trains, except on holidays; and to wear “short kerchiefs with little hoods, as are used in Flanders, England, and other countries.” Inferior barons, and gentlemen are alike restricted. None of the clergy are to wear gowns of scarlet, or *mertrick* furs, except they be dignitaries of a cathedral, or collegiate church, or doctors; or such as may yearly spend two hundred marks, or English nobles. And with regard to the commons, “that no labourers, nor husbandmen, wear on the work day other than grey or white; and on the holiday only light blue, green, or red: and their wives the same, and kerchiefs of their own making: and that it exceed not the price of forty pence the eln. And that no woman come to church, or market, with her face *muffalled*, or covered, that she may not be known, under the penalty of forfeiting the head dress *.”

* 1458, c. 70.

SECTION II.

Government, Laws, Tactics.

1437— TO the information already presented on these subjects, in
 1488 the preceding retrospect, and in the course of the narrative,
 { the abundance of materials may present large and important
 additions.

The able contemporary Fortescue, in his treatise on the *Dominium Regale* and the *Dominium Politicum et Regale*⁵; the former a government in which the king makes the laws, or absolute monarchy; the second when he rules by the laws made by the people, or limited monarchy; classes Scotland under the latter description. "The king of Scots," says he, "reigneth over his people by this law, to wit *regimine politico et regali*." He then proceeds to shew the misery of France, because the laws were made, and taxes imposed, without summoning the three estates of the kingdom: that cowardice alone preserved France from insurrection, while the English being rich never arose, except against injustice⁶; and their liberties being secured by parliaments, industry and wealth followed. After discussing the revenue, and expences, of England, among the latter of which he mentions the borders towards Scotland, and the garrison of Calais as exorbitant articles, he observes that the nobles of France were so powerful, that no authority dared to tax them; and that great danger would arise if England permitted subjects to attain such preeminence. He adds

⁵ ms. Harl. 1757, and printed at London 1714, 8vo. but his whole works deserve republication.

⁶ The *gens de guerre* ruined the French commons. Jaligny, 409.

that

that the king of Scots who last died, had only from apprehensions of his rebelling expelled Douglas, “whose livelihood, and might, were nearly equivalent to his own.” In this the venerable chief-justice was misinformed, as the reader has seen that more than apprehensions existed. 1437—
1488

It has already been remarked that in the treaty with France 1484, it was agreed that on a failure of immediate heirs, the succession to either crown should be determined by the prelates and nobles. By an act of 1466, it was decreed that the dowry of the future queen should be “a third of the king’s *rents of assize*, that is to say of lands and customs ONLY.” This would seem to imply that the dower of Mary of Gelder had extended to one third of the whole royal revenue.

A most important topic, the constitution of the Scottish parliament, has been reserved for this epoch, as a central point, upon which the various information bears. Only desultory knowledge could have been acquired, by dividing the minute authorities into different periods; and the interesting nature of the subject will excuse some length in the discussion. Till the year 1587, when the representation of the shires was fixed and ascertained, there is hardly a variation in the model of the Scottish parliament: and the present view will of course anticipate a century, as well as revert to the records of preceding ages. Nor till the present period are the collective materials sufficiently ample, to authorise accurate disquisition; though the statutes themselves assume a regular form, at the commencement of the actual reign of the first James.

Reserving till another place any remarks on the two superior states of the kingdom, the clergy and barons, it shall here be observed that the burghesses are first mentioned, so far as our

⁷ Cap. 2.

1437—imperfect records afford positive evidence, in the year 1326⁸.
 1488 Whether they appeared before, is rather a question of antiquarian curiosity, than of real importance; and the cause of enlightened freedom requires no support from the barbaric usages of dark ages. Suffice it to observe that, as all the freemen of a burgh could not appear in parliament, they selected persons for that purpose, and instituted the first example of REPRESENTATION, that grand secret of modern government, and which forms a basis of liberty unknown to all the ancient states.

The able reign of Robert the great was unhappily followed by the disturbed minority of his son David II. Yet the reign of this feeble prince presents some documents concerning the state of parliament, which shall here be mentioned, as unknown to former writers, and as preparatory to the consideration of the national council, under his successors of the Stuart family.

In the parliament held at Perth, on the thirteenth of January 1365, the names of the members are given, forming, it is believed, the earliest example of what is called *the roll*. The bishops are followed by the abbots of Dunfermlin, Arbroth, Paisley, Scone, Kilwinning, Coupar. Among the peers is John Stuart lord of Kyle. After many knights, are twelve persons without designation, and a general clause of “the other persons usually called:” nor are the commissioners of the burghs specified⁹.

The general council at Scone, 20th of July 1366, consisted of the bishops, abbots, priors, free-tenants *in capite*, “and

⁸ Abercr. I, 635, from a grant of a tax in the Advocates library. Robertson I, 79. Wight on parliaments, Edin. 1784, 4to, 405.

⁹ 4to. Register, f. v. 40, in the State Paper office London, when perused by the author some years ago; now, as he is informed, in a more appropriated repository the Register Office at Edinburgh.

from each burgh certain burgesſes ſummoned for eſpecial rea-¹⁴³⁷⁺
ſons'." In that held at the ſame place, on the 27th of Sep-¹⁴⁸⁸
tember 1367, the *three communities* of the kingdom being
called, "certain perſons were choſen by them to hold a par-
liament, leave being given to the others, on account of the
harveſt ſeaſon, to return to their homes." From the clergy
were ſelected ſixteen; from the lords fourteen, at the head of
whom is the Steward; and there were abſent, from contu-
macy, the earls of March, Roſs, and Douglas. The burghs
are only Edinburgh, Aberdeen, Perth, Montroſe, Hadding-
ton, and Linlithgow; their ſelected delegates thirteen. The
object of diſcuſſion was the royal revenue: and the king is
empowered to ſend embaſſadors, and levy the expence by a
tax, without recurrence to another parliament².

In that of Perth, 6th of March 1368, a few were contu-
maciouſly abſent; but by the conſent of the *three communities*,
on account of the inconvenience and ſcarcity of the ſeaſon,
"certain perſons were elected to hold the parliament, leave
being given to the others to return." Seven biſhops, and nine
others, are choſen for the clergy; among the latter are Wil-
liam Biggar rector of Errol and chamberlain of Scotland, and
the *procurators* of the biſhops of Aberdeen and Roſs; but as it
was found that fewer were ſufficient, the number was abridged.
For the barons are the Steward, the earls of Mar and March,
and the *procurator* of earl Douglas, with thirteen landed gen-
tlemen; and eight others, perhaps for the burghs³.

At the parliament of Scone, 12th June 1368, appeared
"the prelates, lords, and burgesſes, who would or could be

¹ Ibid. f. v. 44, "qui ad hoc fuerunt *ex cauſa* ſummoniti."

² Ibid. fol. v. 50.

³ Ibid. fol. 52. The excuſe is in theſe words, "propter importunitatem et
caritiam temporis."

perſonally

1437—personally present; others represented by their *commissaries*;
 1488 others being absent from contumacy.” Among other acts, it
 was ordained that all processes of appeal be presented to the
 chancellor, before the meeting of parliament; and that the
 parties should appear in the parliament next following to hear
 the decision ⁴.

In the last general council recorded of David II, and held
 at Perth on the 18th of February 1370, the burgeses present
 are mentioned to have been specially summoned for certain
 causes. Of the lords three were absent from contumacy, Mar,
 John of the Isles, and *Gillespie Cambel* ⁵.

The model of this noted parliament being imitated by the
 kings of the Stuart line, as mentioned in their statutes, it is
 proper to lend it due illustration. The preamble bears that,
 as the chief purport of this general council was to consider the
 state of the realm, the royal revenue, and some points relating
 to the administration of justice, it was *not expedient* that all
 the members should attend: for which reason some were
 elected, “BY THE GENERAL AND UNANIMOUS CONSENT
 AND ASSENT OF THE THREE COMMUNITIES ASSEMBLED,
 to order those things that concern common justice, such as the
 contradicted judgments (or appeals,) questions, and other
 complaints, which ought to be discussed and determined by
 parliament. And others were elected, by the SAME CONSENT
 AND ASSENT OF THE COMMUNITIES, to treat and deliberate
 on certain SPECIAL, and SECRET, affairs of the king and
 kingdom, before they came to the knowledge of the said
 general council ⁶.”

For

⁴ Ibid. f. 54. “Aliis per *commissarios* comparentibus.” The term is here
 applied to procurators in general. ⁵ Ibid. f. v. 55.

⁶ Ibid. “PER GENERALEM ET UNANIMUM CONSENSUM ET ASSENSUM
 TRIUM COMMUNITATUM CONGREGATARUM, ad ea quæ concernunt commu-
 nem

For the matters concerning the administration of justice ^{1437—}
 were chosen six of the clergy; ten knights, and four others, ¹⁴⁸⁸
 for the barons; and seven burgesſes.

For the ſecret affairs three clergy; and ten others, among whom the Steward, and the earls of Carrick and March are firſt named, and the laſt is Duncan Wallace, “one of the *attorneys* of the earl of Douglas.” It is ſpecially added that the king may name any others.

This, as far as appears, was the very firſt inſtitution of the famous LORDS OF THE ARTICLES, originally only a committee for ſecret affairs, ſelected by the voice of the whole legislative body. But the power aſſigned to the king, of adding any members he thought proper, led to great abuſes.

After the acceſſion of the houſe of Stuart the earlieſt memorable parliament is that of Scone, 2d March 1372, in the firſt year of Robert II. The burgesſes preſent continued to be ſpecially ſummoned, *ex cauſa*, for a certain cauſe. And as the general council is held for purpoſes relating to the king and realm, and the adminiſtration of common juſtice, “in imitation of the order and method which were obſerved in the parliament held at Perth, in the time of king David of venerable memory, and of his reign the fortieth year,” [18 Feb. 1370,] ſome were choſen BY THE GENERAL AND UNANIMOUS CONSENT AND ASSENT OF THE THREE COMMUNITIES, for matters concerning common juſtice. And others, “BY THE CONSENT

nem juſticiam, videlicet judicia contradicſta, queſtiones, et querelas alias, quæ per parlamentum debuerant terminari, diſcutiendas et determinandas. Et alii, PER EARUNDEM CONSENSUM ET ASSENSUM COMMUNITATUM, electi ad tractandum et deliberandum ſuper certis et SPECIALIBUS, et SECRETIS, Regis et Regni negotiis, antequam veniant ad notitiam dicti conſilii generalis.”

Lord Pitmedden, about the beginning of this century, had made ſome inaccurate extracts from this invaluable register, and the above is among them. See lord Hailes’s Annals, II, 262.

1437— AND ASSENT OF THE SAID COMMUNITIES, to treat and de-
 1488 liberate on certain SPECIAL affairs of the king and kingdom,
 before they come to the knowledge of the general council.”
 The other members were dismissed. For the names of those
 chosen we are referred to another register. It is remarkable
 that in this parliament the plea of secrecy is omitted; and the
 lords of the articles are only chosen for SPECIAL affairs⁷.

The parliament of Robert III, in February 1401, only
 bears that there were present the bishops, [abbots,] priors,
 dukes, earls, barons, “freeholders, and burgeses who hold
 of our lord the king *in capite*.” But that the institution of
 the lords of the articles continued an inveterate usage, appears
 from the parliament of Perth, 26th May 1424, the first of
 James I⁹; and the first, it is believed, in which the style of
 the ARTICLES appears; and from numerous succeeding par-
 liaments. It is also certain that the usage of dismissing the
 other members, after the committees of justice and of the ar-
 ticles had been selected, was continued to the parliament of
 1424, if not long after: so that the prolongation of the session,
 after the appointment of these committees, was a mere stretch

⁷ Ibid. f. v. 58. “Imitando videlicet ordinem illum et modum, qui serva-
 batur in parlamento tento apud Perth, tempore venerandæ memoriæ domini
 Regis David, anno regni ipsius quadragesimo.” “Et alii, PER CONSEN-
 SUM ET ASSENSUM EARUNDEN COMMUNITATUM, electi ad tractandum et
 deliberandum super certis SPECIALIBUS Regis et Regni negotiis, antequam
 perveniant ad notitiam concilii generalis.”

The statutes of David II are inaccurately copied in a bad hand; but the
 writing of those of Robert II is greatly improved; whence this passage serves
 to illustrate the genuine reading of the former. ⁸ Apud Skene Reg. Maj.

⁹ Acts edit. 1566, fol. 1. “electæ fuerunt certæ personæ ad articulos datos
 per dominum Regem determinandos, data cæteris licentia recedendi.” Be-
 fore they were only to treat and deliberate; now to determine.

of

of the prerogative, as well as the latter corrupt mode of chusing ¹⁴³⁷⁻ the lords of the articles. At what precise epoch the committee ¹⁴⁸⁸ of justice was divided into two, 1. *ad judicia*, or of judgments in criminal cases, and 2. *ad causas*, or of civil causes and law-suits in the last appeal, does not appear: but such was the method in the reign of James III.¹ Yet even at this period the lords of the articles were modestly named last, after the two former committees had been appointed; not first, as was afterwards the usage, when the lords of the articles were named by the influence of the court, whose demands usurped a preference over the administration of justice.

The steps that led to this radical alteration of the constitution of the Scottish parliament, which was at first to preclude the power of debate, by only requiring the sanction of a full parliament to decrees already adjusted; and was afterwards to make that assembly a mere instrument of the crown; deserve particular investigation. The chief cause was the indolence and avarice of the members, who regarded their attendance in parliament, to which they were not only bound by their tenures, but under a fine of ten pounds for absence, as a most heavy constraint and intolerable burden. Even in England at this period committees were frequently appointed and leave given to the other members to depart². The sole distinction was, that in Scotland the custom by a political solecism remained, while the parliament itself continued in full session. This apparently slight difference, and the equally slight circumstance, that in England the members were too numerous to meet in one room, decided the destinies of the two king-

¹ Records of Parliament, Register Office, *passim*.

² See Rolls of Parliament. Edward III, in 1340, ordered that in every parliament a prelate, two earls, and two barons, should sit to judge appeals. 14 E. 3 cap. 5. Barrington on the Statutes, p. 244. And see Wight, 98.

1437—doms. England had a free parliament for discussion, and a
 1488 house of commons: Scotland an influenced parliament for
 assent, and her commons were overpowered by the presence of
 the superior orders.

From the advantage which was afterwards taken of this institution of lords of the articles, it would seem a device of some cunning Augustus, to sap the freedom of his country. It was, on the contrary, the mere product of chance and weakness. The appointment of committees, and dismissal of the other members, in September 1367 and March 1368, the first on account of the harvest, the second an unexpectedly severe season and scarcity, evince the progress of chance: and the character of David II, and his hatred, at the time, to the Stuarts, who were to be the heirs of his power, shew the want of design. The unanimous consent and assent, of the whole three estates assembled, testifies that they exulted in their deliverance from the slavery of attending in parliament, and regarded the eighteenth day of February, thirteen hundred and seventy, as a jubilee of freedom!

The subsequent statutes, which illustrate the constitution of parliament, are far from numerous. The most memorable is the next in chronological order, that of James I, in March 1428¹.

“The king, with consent of the whole general council, has ordained that the small barons, and free-tenants, need not come to the parliament, or general council, provided that each sherriffdom send two, or more, wise men, chosen at the head court of the sherriffdom, according to its extent, except the sherriffdoms of Clackmanan and Kinross, which may only send one member for each.

¹ A&S, f. v. 17.

“These

“ These members shall be called Commissaries of the shire: ^{1437—}
 and, by these Commissaries of all the shires shall be chosen a wise ¹⁴⁸⁸
 man, and expert, called the Common Speaker of the parlia-
 ment, who shall propose all and fundry necessities and causes,
 pertaining to the Commons, in the parliament or general
 council ⁴.

“ The Commissaries shall have full and entire power from
 the rest of the sherrifdom, testified by the seal of the sherriff,
 and those of several barons of the shire, to hear, treat, and
 finally to determine, all causes to be proposed in the council
 or parliament.

“ Which Commissaries, and Speaker, shall have their expence
 defrayed by those of each shire who owe appearance in the par-
 liament or council, an equal assessment being laid on every
 pound of rent, except those of bishops, abbots, priors, dukes,
 earls, lords of parliament, and *banrents*, whom the king di-
 rects to be summoned and admitted to parliament by his spe-
 cial precept.”

Such is this remarkable statute, the intentions of which are
 supposed never to have been fulfilled till 1587; when it was
 revived and enforced, and the first regular representation for
 counties commenced in Scotland. It is evident that this great
 monarch wished to establish a House of Commons, on the Eng-
 lish model, and to lay the foundations of genuine liberty, by
 dividing the landed gentlemen from the peers, and thus
 strengthening the third estate, which only consisted of a few
 burgessees, unable to contend against the whole landed interest
 united, a French *noblesse*, instead of a distinct order of noble-

⁴ The *Common Speaker* is a mere abbreviated phrase for the *Commons' Speaker*,
 or Speaker of the Commons. It could never be intended that a commissioner of
 the shire should supplant the chancellor, and become *general speaker* of the par-
 liament.

1437—men like those of England. But when this act was revived in
 1488 1587⁵, the clause concerning the Common Speaker, or Speaker
 of the Commons, was carefully omitted: and thus the chief
 intention was eluded, and the commissaries of the shires, and
 burghs, continued to sit in the same house with the peers.

It has already been observed in the historical narrative that, in 1458, it was enacted that no freeholder shall be constrained to attend as a member of parliament, if he hold of the king "under the sum of twenty pounds" in land. In 1504 the exemption is, under "one hundred marks of the extent that now is;" and an extent implies annual value. Twenty pounds in 1458, Scottish money being to the English as one to three, and its power being to the present as ten to one, may nearly equal seventy pounds sterling of modern currency. In 1504 the coin was as one to four, and one hundred marks might equal one hundred and sixty of our pounds. The English parliament had enacted, in 1429, that none should vote for knight of the shire, who had not freeholds of the value of forty shillings: but in Scotland it was esteemed a great privilege to be exempted from sitting in parliament; and voting could not be enforced even by the united efforts of the monarch and legislative body.

From 1504 till 1587 there are no statutes concerning the constitution of parliament.

To return to the consideration of the period under review, we have seen that in 1469, an oligarchic plan of appointing the council, and magistrates of burghs, was instituted, and the parliament was compared with common courts of justice: and in 1482 the mention of the parliament of Paris indicates that the French idea of a parliament was, by the court, pre-

⁵ Cap. 113.

ferred to the English. The numerous clergy present at a Sco-^{1437—}
tish parliament, and the want of an opposition, are features ¹⁴⁸⁸
delineated and explained in the preceding retrospect.

In 1488, as has already been observed, the titled nobles of Scotland amounted to about forty. The ducal denominations were mostly confined to the royal family: the others were earls and lords. But these greater barons had no privileges above the smaller: all were *peers*, or *peares*, in courts of justice: a *lord* and a *lard* are the same, and the latin only admitted *dominus* for either: the *lard*, or *laird*, was designed from his estate; and his wife was *lady* by the same designation even down to modern times. For distinction the titled lords were created and styled lords of parliament. While there was no house of commons, there was no house of peers: every landed gentleman holding of the crown might sit and vote; but he could not be constrained to attend except his estate amounted to a certain sum.

Had the great plan of James I been carried into execution, as much additional respect would have accrued to the peers, as to the commons: greater lustre, more important privileges, would have arisen to the former, as well as to the latter. A distinct legislative capacity, a marked line of separation from the landed gentlemen, might have gratified the pride, and stimulated the abilities, of the peers; while the esquires, united with the burghesses, might have learned by degrees the eminent advantages which commerce and agriculture derive from each other.

The lesser barons or *lairds*, corresponding with the English LORDS of manors, form such a singular and amphibious class, in the Scottish parliament, that they excite curiosity and disquisition. The roll of parliament, 1472, will give us an idea
of

1437— of their proportion to the other members ; which seems to have
 1488 greatly exceeded that of the roll of 1365 above-mentioned.

“ On the 18th day of February, in the presence of our
 fovereign lord the king ; and the bishops, abbots, priors ; and
 the noble dukes, earls, lords, barons, freeholders, and com-
 missaries of the burghs, underwritten :

“ Alexander duke of Albany.

Bishops.

Dunkeld
 Aberdeen
 Ross

Orkney

Abbots

Arbroath
 Melrose
 Holyroodhouse
 Paisley
 Scone
 Dryburgh

Priors

Portmoak
 Restenoth
 Coldingham
 May

Earls.

The Chancellor
 Errol
 Marthal
 Huntley
 Crawford
 Morton

Earls.

Argyle
 Rothes

Lords.

Innerness
 Erskine
 Haliburton
 Seton
 Borthwick
 Darnley
 Lindsay
 Gray

Forbes
 Kilmauris
 Kennedy
 Hamilton
 Monipeny
 Salton

Barons (or Lairds)

Sanquhar
 Bewfort
 Haltoun
 Craigmillar
 Restalrig

Dundas

<i>Barons</i>	<i>Barons</i>	1437— 1488
Dundas	Bothiok	}
Bargeny	Pittarrow	
Bafs	Abercromby	
Caldor	Erolet	
Lufs	Rufky	
Terreagles	Carns	
Elliotstoun	Cranfton	
Ruthven	Halkerfton	
Sauchie	Boyle	
Elphinfon	Ker	
Guthrie	Gask	
Torthorwald	Dron	
Corftorphin	Hume	
Edmondfton	Balcolmy.	
Dalhousie		

Commissaries of the Burghs.

Edinburgh	- - -	Young and Bonkil.
Aberdeen	- - -	Knowls.
Stirling	- - -	Walter Stuart.
Linlithgow	- - -	Fowlis and Forest.
Haddington	- - -	Girnlaw.
Dumfries	- - -	Welch.
Air	- - -	Multrar.
Dundee	- - -	Monorgund and Guthrie ⁶ .

⁶ Kaims' Essays on Brit. Ant. p. 125. In the inaccurate extracts from the records of parliament, made by Sir James Balfour in the last century, and published by Carmichael at Edinburgh 1791, 4to, we find p. 58, five lairds, Stobhall, Tullibardin, Elliotstoun, Halkfton, Restalrig "for the small barons" in 1479: yet in p. 59 we find many others present. And in April 1481, p. 65, he only names eight of these barons. But these extracts being chiefly for the purpose of settling dates of creations, and precedencies, their imperfection is most excuseable.

1437— In this parliament the lesser barons almost equal in number
 1488 the clergy and peers. The rolls indeed seem imperfect, for
 none, apparently, remains which enumerates more than about
 eighty members; while, in a statute of 1458, they are esti-
 mated, as we have seen, at about one hundred and ninety:
 and this, though one of the most ample, omits no less than
 twenty of the burghs. But it is not the number of the *lairds*,
 or tenants *in capite*, which surprizes: it is their fewness which
 merits investigation.

An idle tradition prevailed in the middle ages, that one of
 our monarchs distributed all the lands of Scotland among his
 great barons, reserving none for himself, except the Moot-hill
 of Scone. This tradition, though vague, expressed the state
 of the country, chiefly divided into large territories, the poten-
 tates of which held of the king; while their numerous vassals,
 enjoying greater or smaller allotments, held of their lords.
 Hence the numerous charters *of confirmation* in our records,
 only lending the royal sanction to charters granted by the ba-
 rons: and a list of the tenants *in capite*, including even the
 smaller, would not, it is believed, fill many pages. Some con-
 jecture must however be allowed, for the writers who might
 be expected to illustrate this topic, prefer declamation on the
 feudal system; a rich mine, but already exhausted by the la-
 bours of Montesquieu, and other able authors⁷. Those parts

⁷ The learned Craig ought to be named among the chief, his work *De Feudis*
 being the exuberant, and often the *silent*, source of the riches of more modern
 authors. The reader who wishes to study this important topic, so long the
 destiny of Europe, may begin with that great work; if he prefer not to ascend
 to the original authors, Gerardus Niger or Capagistus, and Obertus de Orto,
 two Milanese of consideration, who about the year 1170 composed the books
De Usibus Feudorum, the early standard of feudal law. See Craig, lib. I. tit. 6,
 § 3, 4, 5, &c. But the editions are so scarce as not to occur in the most ample
 catalogues.

of our history, and antiquities, which are clear, have been 1437-
illustrated with great force and precision; while the obscure 1488
even require a taper to make the "darkness visible."

In England the *baron* was a *lord*, a peer: in Scotland he was only a *laird*, a man of landed property: the word indeed originally only implies a man of courage, a chief⁸. From Domesday Book it appears that the immediate vassals of the crown amounted, after the conquest, to about seven hundred, exclusive of the ecclesiastical fees⁹: of these seven hundred a few were earls and lords; the remainder would in Scotland have been termed barons or lairds. In the latter kingdom it may seem that the immediate vassals of the crown could not, before the reign of David I, exceed two hundred; and the profuse donations of that prince to the church must have diminished the number of lay-fees.

These vassals of the crown, or tenants *in capite*, were however speedily to be multiplied by various causes. New donations of the regal demesne, forfeitures of great fiefs, afterwards divided into smaller, gifts of land by the vassals themselves to their followers, coheirship, and at length purchase by the acquisitions of commerce or chance, were among the operations which increased the number of the vassals in chief. Hence in the reign of Henry III of England, representatives appear for the counties at the same time with those of the burghs: and so rapid was the progress of liberty in that fortunate kingdom that, from the first appearance of representation for the coun-

⁸ Leges Langob, and in modern Spanish *Varon* is either a MAN or a noble; not to mention the French *baron et femme*. In like manner the term *Iarl*, or Earl, apparently introduced by the Danish conquest of England in the eleventh century, only signified originally a *man*; thus *Iarl-wagh*, via viri. Stiernhook de Jure Sueonum, p. 297. It corresponds with the German *carl*, a strong man.

⁹ Dalr. on feudal property, 313.

1437—ties, all had a right to vote who held free lands, or tenements,
 1488 of whatever lord or superior; while in Scotland, when this representation was attempted in 1428 and established in 1587, the privilege, or servitude, of voting was confined to the freeholders of the crown.

One great cause which defeated the representation for counties in Scotland, and rendered even that for the burghs irregular and incomplete, was the avarice of the freeholders, and citizens, which shrunk from paying the *costage*, or salaries of the representatives. And they not only abhorred the duty, or bondage as they supposed, of sitting in parliament, but they even detested the trouble of giving their votes. Another cause was, that the members of parliament had no privileges whatever, not even the peers themselves considered in that capacity; while the political wisdom of England had stimulated emulation, and had inspired respect for the meanest member of the national council, by the freedom from arrest, and other immunities. Had James I, in his eager wish to render the nation free, industrious, and happy, assigned special privileges to the representatives of counties and burghs, it is probable he might have succeeded in establishing two houses, and an excellent constitution. The struggle is singular; the court insisted on diffusing some degree of freedom; and the people opposed their deliverance with surprizing zeal and perseverance.

To return to the consideration of the *barons* or *lairds*, they were hardly to be distinguished, either in common or legal language, from the titled nobility. They were not only denominated from their estates; but to a late period they used a titular signature, as well as the peers. *Peer*, and *peerage*, do not indeed appear to be Scottish terms: in England, when a lord of parliament was created, he was styled a PEER, but there

there seems no vestige of this usage in Scotland; and there ^{1437—}being no house of peers or equals, to which he could be called, ¹⁴⁸⁸ the nobles were peers of the realm, and not peers of parliament. The term peerage is indeed vague, even at present; an English peerage is an inelective hereditary right to sit in parliament; while a Scottish peerage is only a right to vote for sixteen representatives'. In strict propriety the word has no connection with the parliament or general council; it is an honour at first territorial, and passing with the land like a Scottish *lairdship*; afterwards personal and hereditary; but ever implying power, territory, rank, precedence, investiture by the monarch, distinction of seat and dress on solemn occasions. In France the twelve peers seem to have succeeded the *comites*, or companions of the early monarchs, after the latter title had dwindled into the *count* or earl; and acknowledging no superior but the sovereign, they bore the humble and proud title of peers or equals. The Normans introduced the term into England; where it was to be extended to all who were solemnly ennobled by the king, and thereby attained a right of sitting in the upper house, only known in that country, and thence styled the House of Peers. But in Scotland the peers having at no period a separate house, and after the extinction of the Scottish parliament by the Union, having only a right to select sixteen of their number; the title remains in its original state, quite distinct from any reference to parliament.

The *Banrents*, or Bannerets, were an intermediate order, between the peers and the *lairds*; possessing estates of such extent, and of so many knights fees, that they could lead a great

* The reader who is desirous to see a clear subject embarrassed by a strange mixture of new names and old ideas, and old names and new ideas, joined with a similar confusion of chronology, may consult Wallace on ancient Peerages, Edin. 1785, 8vo.

1437—number of followers to the field, whence they had a title to
 1488 display a *banner*². They were also distinguished by their peculiar *enseigny*, or *cri de guerre*; and by supporters to their armorial bearings.

But the Scottish *barons*, or *lairds*, had none of these high distinctions. However small their freeholds, they had a title to sit in parliament, as appears from the above acts, exempting those under a certain revenue from any constraint for appearance. In civil matters they could decide questions of debt, and many of possession within their baronies; regulate work and wages; and enforce the payment of their rents. All criminal cases fell under the cognisance of the *laird*, except treason, and the four pleas of the crown: he had the power of pit and gallows, or drowning female and hanging male culprits, convicted of theft or robbery; and his jurisdiction comprized many penal statutes³.

On the other hand numerous were the distinctions between the lord and the *laird*. The latter had no permanent denomination, no personal honour, his existence was merely territorial: he had no solemn investiture, no fixed rank, no precedence, nor was he addressed with any appropriated term. His tenants indeed called him *Master*, not landlord, but this was a slavish relique of the days of villenage: and hence apparently the Scottish phrase of *Master*, for the heir apparent to an estate, thus Master of Huntley, of Darnley, and the like, frequent in our history and records, and still retained where there is no second title.

² The *standard* was confined to the king or general; the banner to peers and potent chiefs: the *guidon* was a small flag with two peaks or points, and superior to the *pencill* or penon which every knight might put on his lance. See Grose hist. of Engl. army II, 258.

³ Erskine Principles of Sc. Law, b. I, t. 4, § 14.

The same causes which operated in England were, by flower 1437—degrees, to increase the number of the Scottish tenants *in capite*. 1488
 Money being scarce, gifts and rewards were commonly assigned in lands; and even a messenger of good tidings was recompensed by a small estate⁴. The nobles and *lairds* maintained their friends, and secured the fidelity of their followers, by similar donations⁵: but the tenure being from themselves, as superiors, the number of persons intitled to sit in parliament, or vote, had representatives been established, was little swelled by their alienations. An inborn preference which most men give to land above all other kinds of property, the desire of retirement ease and a rural life, so natural to the busy citizen, conspired to render the purchase of land a great object of ambition to the industrious merchant, and to the fortunate adventurer. Entails were unknown in Scotland, till the seventeenth century; a deed of *taille* merely regulating the manner of succession, and commonly altering it from heirs general to heirs male⁶: but other obstacles prevented the free acquisition of land,

⁴ Scott. Cal. passim. This important catalogue was, some years ago, discovered by the author in the Harleian library; and is now, it is believed, printing in Scotland. The first volume is a transcript, but Sir John Scott clerk of the Register has avouched the others by his signature at the end of every quire. The charters extend from 1309 to 1587, or later.

⁵ In that singular work of poetry in prose, "A true history of several honourable families of the name of Scott, by Capt. Walter Scott," Edin. 1688, 1776, 4to, we find p. 45, an account of numerous pensioners of Scott of Buccleugh, twenty three of his own name, all enjoying grants of lands. Clanship easily spread when surnames were hardly known; and to assume a name was to secure an inheritance.

There is a fund of odd sense in that book; among other points the military poet says,

The rear is the second place, if soldiers be but stout,
 They are sure to have the van, if the word be *face about*!!

⁶ Dalr. on feudal property, 162, 163, where it is also shewn that Craig, who wrote about the year 1600, knew nothing of entails in the modern sense.

It.

land, so essential to the circulation of the blood of the state.
 1437—
 1488 An able judge even supposes that the *jus retractus* prevailed,
 by which a right of redemption exposed the purchaser to an uncertainty in his property, a bar at once to its enjoyment and improvement. While the famous statute of *Quia Emptores* was to diffuse wealth and cultivation through England; in the adjacent kingdom the heritable proprietor was to be distinguished by the heritable sterility of his possessions, and by a firm entail of indolence and poverty. Yet by degrees commerce and industry were to assert their rights, private vices were to become public benefits; and landed prodigality was to minister to the national advancement. And though many of the purchased lands held of the under lords, there is little room to doubt that the freeholders of the crown were increased by this progress of society: but a just estimate of their number could only be formed from an enumeration of the charters in the register at various periods, a toil perhaps surpassing the value of the information.

That no representatives for the counties appeared till 1587, is sufficiently clear from the silence of the statutes, and records: and the act of James II, concerning the parliamentary dress, is mute concerning the commissioners of the shires, or even the lesser barons in general, though most particular in regard to the earls, lords, and burghesses. It is hence to be inferred that the *lairds* appeared in parliament in their usual dress; nor does it appear that, in latter times, the representatives of shires were distinguishable by their apparel from the burghesses.

To close this discussion concerning the *lesser barons*, the length of which can only be excused by their importance in the national and constitutional scale, and the singularity of

It was in the reign of Charles II that they began to be frequent in Scotland. Ib. 165. In the reign of James VI the *lairds* amounted to about one thousand. "Certaine Matters," &c. 1594.

their

their rank in society, when compared with more civilized governments, it shall only be further observed, that the term *laird* ^{1437—1488} has become of no respect, and is even ironically applied to the *portioner* of land, whose estate is half a field, but who joins the industry of an artisan to the healthy pursuits of his little agriculture. For the denomination, being territorial, is only honourable in proportion to the territory; while the English term Esquire, assigned to any man who bears a shield, or in other words has an armorial blazon, is a personal distinction, extended to opulence, to eminence of talents, to fortunate industry, as well as to considerable possessions of land.

In passing to the last division of the national council, the Burgeses, it is first to be observed that the Royal Burghs alone had a right, or rather, to speak in the language of the times, were burdened by their tenures from the crown with the heavy duty of sending representatives to parliament. The Burghs of Barony, or those that held of great barons whether temporal or spiritual, were exempt from this slavery: Glasgow for instance though a burgh of some consequence, even then, as holding of the bishop, sent no commissioner. To those already mentioned, in the above roll, may be added Berwick, Jedburgh, Selkirk, Peebles, Lanark, Dunbar, Kinghorn, Forfar, Brechin, Wigton, Kirkcudbright, Irvin, Dunbarton, North Berwick, Inverkeithing, Coupar, Perth, Montrose, and others⁷; so that the representatives for the burghs might have amounted to between thirty and forty, if another singular practice had not prevailed, that of many of the burghs appointing the representatives of the others to be their proxies; every method of exemption from attendance being sedulously practised, in order to avoid the trouble and expence.

⁷ See Carm. 59, parl. 1479. In 1682 they amounted to sixty. Present State of Scotland, London 1682, 8vo, p. 131—134.

1437— As the session of a parliament commonly lasted only a few
 1488 days, the chief magistrates of the burghs could attend, without
 a long absence from their duty; and it appears that they were
 generally the representatives. The oligarchic form of municipality, introduced by James III, necessarily confined the election to the town-council, the body of the burghesses or freemen being excluded. Hence it is computed that there are not in Scotland, at this day, above three thousand voters for national representatives, either of counties or towns⁸.

In the earliest Scottish parliaments, of which we have any record, it appears that deputies for the burghs attended, to settle the proportion of taxes, which the towns were to bear: and it is not improbable that the magistrates of the principal burghs may be included in the *sapientes, probi homines, or preud-hommes*, and *tota communitas regni*, of the most ancient national councils⁹. Many ancient English customs may be traced in more modern Scottish usages; and for this reason the study of the latter is important to science in both kingdoms. That the magistrates of the chief towns were, in an appropriated sense, members of the national council before the reign of Henry III in England, and Robert I in Scotland, there is unhappily no positive proof: but that they attended, especially in cases of taxation, and probably at the bar, there is some proof, and every reason to infer. In Scotland there were neither towns nor commerce, till a comparatively late period; but the usages are evidently of English origin, constant intercourse, and an amity seldom interrupted, having prevailed between the nations, till the base and unkingly conduct of Edward I forced Scotland into the arms of France. Now in

⁸ Dalr. 330.

⁹ For those of Scotland see the Statuta Willielmi, et Alexandri Secundi, apud Skene Reg. Maj.

England, as in other European kingdoms, no representatives ^{1437—} from towns could appear in early times; and the numerous ¹⁴⁸⁸ barbaric codes of laws, though most minute in other points, are, it is believed, completely silent, not only on this head, but on municipal regulation. The reason is clear; it was because the barbarians who overturned the Roman empire detested the civic life; and preserved their ancient rural manners, and occupations. The towns being conquered, had no right to expect a representation in the national assemblies of their victors, held in ample plains under the canopy of heaven; and it was to the contempt and indifference of the conquerors, that they were commonly indebted for such privileges as they retained, as the right of electing their own magistrates, and other minute reliques of freedom. When the Saxons, when the Normans conquered England, the same causes must have operated; the English representatives of London must have made a strange appearance in an assembly of Norman freeholders, to whose language and laws they were absolute strangers. But the magistrates might be called to the bar, to advise and give their consent to the best manner of proportioning a tax, and enforcing its collection in their respective towns, the language of money being very audible and clear.

On looking into the history of the Scottish parliaments, we accordingly find the burgeses specially mentioned on the occasion of a tax imposed by William¹. Even in the reign of James II, as will afterwards appear in this retrospect, they sat at the bar of the national council: in that of James III several acts bear to be passed by the clergy and lords: in 1504 a special statute appears, ordaining “that the commissaries and heads-men of the burghs be warned when taxes or contribu-

¹ Fordun, I, 529, A. D. 1211.

1437—tions are given, to have their advice therein, as one of the
 1488 three estates of the realm²." In 1560 we find ten *provosts*
 of the chief towns among the lords of the articles³. As the
 statutes are silent concerning the mode of election, and repre-
 sentation, for burghs, it would seem that one or two of the
 magistrates were nominated by the others, or by the council.

The Royal Burghs were indeed bound by their tenures, as
 holding in chief of the crown, to attend the parliament; but
 as proxies were allowed, and the fine itself for absence was
 only ten pounds, the tenure was neglected and illuded. Nor
 could the incorporation of a burgh by royal charter be an
 usage of much antiquity in Scotland, perhaps not more an-
 cient than the reign of David I.

So much for the Burgesſes, the only real commons of Scot-
 land; the lesser barons having weakly preferred an insignificant
 mixture with the peers to the noble ambition of heading a se-
 parate assembly. Modern party has embroiled many of the
 questions on this subject; a whig wishing to increase the anti-
 quity and power of the commons, while a tory endeavours to
 diminish them: but to plain sense, and cool reason, the topic
 is only important as illustrative of history; nor can the discus-
 sion of barbaric customs hinder, or advance, the cause of en-
 lightened freedom.

Having thus considered the several classes of men, which
 composed the three estates of the national council, one of the
 most interesting objects in modern history; some other parti-
 culars remain to be stated, in order to present clear informa-
 tion concerning its constitution, and procedure.

The number of the members, we have seen, amounted to
 about one hundred and ninety; but from the rolls there never

² Cap. 85.

³ Robertson Append. N^o IV.

appears more than half the number; the others being absent ^{1437—} from sickness, distance, feuds, nonage, especial affairs, or other ¹⁴⁸⁸ reasonable causes; and some from contumacy, or an opposition to the measures of the court at the time. Even in modern times to secure the attendance of a certain number, in a national council, the members ought to double that number. James I ordered, in 1426, that no prelate, earl, baron, or freeholder, should appear by a procurator, except on proving a lawful cause of absence⁴. It would seem that the procurators are omitted in the rolls, and often indeed one member might appear for many; but sometimes a lawyer was proxy for an absent peer; and the omission might be according to the forms, or intended to discountenance the practice. At any rate the omission of the procurators must considerably abbreviate the rolls of parliament.

It was a royal prerogative to summon the general council, which was done by letters, under the signet, to the clerical members, and greater barons; and by precepts from chancery to the sheriffs, for general summonses to all members resident in each shire. During a minority this prerogative was exerted by the council of regency; but few or no permanent laws were ever passed, except when the sovereign had attained the years of majority prescribed by law.

The members having, a day or two before, arrived in the city or town where the parliament was to be held, on the morning of the meeting they assembled at an appointed place, and proceeded on horseback in great state to their hall. This procession was called the Riding of the Parliament, and was

⁴ Cap. 52. The act of 1504 allows procurators to appear for the lesser barons. Mr. Wight, p. 57, seems rightly to infer that both the statutes, of 1458, and 1504, only absolve the persons from attendance, on condition that they sent proxies.

1437— a singularity retained to the latest period of the Scottish legisla-
 1488 ture. Amid the sound of numerous trumpets, and the armo-
 rial displays of heralds, first appeared the commissioners of the
 burghs, then the lesser barons; followed by the lords, the
 bishops, the earls, the archbishops, the dukes. Three chosen
 peers bore the crown, sceptre, and sword, before the monarch,
 who was attended by his guards. At the door of the hall sat
 the lord high constable, to receive the members as they alighted,
 and probably in his original office of giving orders concerning
 the stabling of their horses till their return ⁵.

The clergy probably took their seats on the right, the peers
 on the left of the throne, as in England: and so numerous
 were the former, that the lesser barons present would merely
 complete the left ranks. At the bottom, near, or perhaps
 without, the bar, sat the commissioners of the burghs. The
 clerk of the register was apparently the clerk of parliament:
 and it is to be inferred that he, and some other officers of state,
 sat in the middle before the throne ⁶.

The roll being called, and some other formalities arranged,
 the chancellor, or sometimes the secretary, made a short speech;
 and as they were commonly churchmen, it was in the nature

⁵ See the prints of the Riding of the Scottish parliament in the reign of
 Charles II.

⁶ The author of the Present State of Scotland, 1682, says the Chancellor, and
 other officers of state, sat under the throne; and below them the Lords of Ses-
 sion or judges: in the middle were two tables, one bearing the *regalia* by which
 sat the Constable and Marshall; at the other was the clerk of register, with his
 deputy clerks who are the clerks of parliament. P. 84, 85.

In Cal. B. V, 266, is an account of the Scottish parliament in the reign of
 James VI. At that time the members continued in town while the lords of
 the articles sat, being a week or two, and all met on the last day to approve or
 condemn. Parliament was either *deserted* or *current*; the former case required a
 proclamation of forty days before another could be held; the latter only of fif-
 teen days.

of a sermon of the time, seasoned with latin quotations from scripture. The three estates then proceeded to their chief office, the appointment of committees of justice, and of the articles; who being selected, the other members were at liberty to depart to their respective homes: and often did not assemble till next year, when they gave their sanction to the laws prepared by the committees. But it also often happened that the statutes and ordinances were already fashioned by the chancellor, and other officers of state, or could easily be forwarded; so that the members remained in the town, and even continued their session occasionally from five to fifteen days, the last of which was appropriated to the pronunciation of the decisions of the committee of justice, in presence of the whole house⁷.

As the members were inelective, the commissioners of the burghs alone excepted, the prorogation, or dissolution, of the parliament could not be alternatives of great consequence. In England, at this period, a parliament seldom sat above one session of twenty or thirty days; but sometimes three sessions were known. The general form of the Scottish parliament seems to have been annual; and the magistrates, who represented the towns, being commonly of yearly continuance in office, it may be difficult to point out an instance of a prorogation from one year to another: though those of two or three months in the same year are not unfrequent. A curious instance of the prorogation of a parliament, followed by its dissolution, occurs in the records. In the turbulent last year of the reign of James III, a parliament met in January, and was prorogued to May. But on the 17th February 1488, James issued the following order. "We do you to wit that our sove-

⁷ The vote of *Non liquet* was latterly allowed, as in the Roman senate; but the usual votes were *approve* or *not approve*; (Pref. State 87, 88,) an expression rather belonging to sanction than debate.

1437— reign lord, by the advice of his council, has for certain rea-
 1488 sonable and great causes, deserted and dissolved his parliament,
 { which was formerly prorogued till the fifth day of May next
 to come: and has ordained a new general parliament, to be
 set, and proclaimed to be holden at Edinburgh the twelfth day
 of May next to come, with continuation of days; and general
 precepts to pass to all lords, prelates, barons, freeholders, and
 commissaries; and with special letters under his signet to all
 the prelates, and great lords of his realm, to shew and declare
 to them the cause of the fitting of his said parliament^{*}.
 These special letters it is to be presumed, James did not direct
 to his enemies: and it is even probable that they were never
 sent to members in the opposition; an omission which might
 be regarded as a hint that their absence would be more agree-
 able.

After the parliament, the Privy Council attracts the greatest
 attention by its dignity and importance. The nature of this
 meeting has been already explained in the preceding retrospect,
 where it is observed that it succeeded the *Aula Regis*, or King's
 Court. This court, anciently held in a hall of the palace,
 has been by some authors confounded with the national coun-
 cil; and the vague synonyms, and impure latinity, of the
 writers of the middle ages, have sometimes blended the terms
curia and *consilium*, so as to occasion a doubt whether the lat-
 ter be a general or privy council; and whether the former be
 a senate or parliament in the classic acceptation, or an affected
 substitute for the *curtis* or court of the king. The explanations
 of glossarists are also arbitrary, and often derived from a single
 sentence, without considering the scope of preceding and suc-
 ceeding paragraphs, or the affected sense in which a particular

^{*} Kaimes' Essay on Brit. Ant. p. 54.

writer may use a particular expression. That the king's court ^{1437—} was merely of consultation, and of judicature in particular ¹⁴⁸⁸ cases, like the succeeding privy council, there is every reason } to infer; and if the parliament be styled the royal court, in barbaric latinity, it is an abuse of terms. The king's *baron-courts* were a kind of inquests, consisting of the great officers of the crown, and other chief barons to judge on important crimes and causes: even they differed much from the courts held by the barons themselves, because the monarch, however controuled and impoverished by the great barons, yet maintained during the feudal ages a sublime and superlative character in the constitution, as the fountain of honour, the general, and chief magistrate, of the state. But from these courts the parliament, or general council, was distinguished in many ways. 1. It succeeded the general assemblies of the German tribes, mentioned by Tacitus, who says that on smaller matters, or particular cases, the nobles met and decided; while in larger the whole community assembled to determine on affairs of general interest⁹. The former was the king's baron-court; the latter a parliament: the former was a meeting of the notables; the latter of the states general. 2. The *aula regis*, or king's baron-court, though perhaps the former consisted only of the chief officers of state, the latter added the great barons, yet whether the same, or distinct, never possessed any legislative power. 3. The states general often opposed the royal will; and the English parliament even deposed Richard II; attributes which no fancy can ascribe to the king's own courts, which existed only in virtue of his authority. 4. The king's courts met in his palaces, while no parliament ever sat in a royal mansion; but in convents, abbeyes, guild-

⁹ Germ. c. xi.

1437—halls, and other detached places¹. It may be added that the
 1488 tenure *in capite* was not a *right* to sit in parliament; it was on
 the contrary an *obligation*, in order that the national council,
 in which the sovereign appeared in his greatest lustre, might
 be numerously attended, and not exhibit symptoms of disaffec-
 tion by the rarity of the members. Before the feudal tenures
 prevailed, there can be no doubt but that every free-man had
 a right to appear in the general assembly, while the king's
 court was sacred to the chiefs; and supposing a barony allo-
 dial, or free from tenure, that circumstance could not have
 operated against the right of its possessor to appear in the na-
 tional council. But the small tribes, general assemblies, and
 idle life, of the ancient Germans, being followed by wide
 kingdoms in which no general assembly could be held, and by
 various occupations, it became necessary to enforce attendance
 by tenure, and fines; means from which the question of right,
 acquired by tenure, is extremely remote.

In the more ancient periods of Scottish history the kings
 were the chief judges in fact, as well as in law; and sat, at
 particular times, before a gate of the palace to hear and deter-
 mine causes, especially those of the poor. This judicature
 was, in more polished times, exerted by the monarch, in con-

¹ Dr. Gilbert Stuart on the Public Law and Constitution of Scotland, p. 81,
 107, edit. 1784. It is to be regretted that the useful information, and solid
 argument, sometimes presented in this work, should be distorted by the author's
 personal animosity against Dr. Robertson a writer of great talents. Dr. Stuart's
 style is also too turgid, and declamatory, to present clear information on obscure
 topics; and the abominable plan, or rather confusion, invented by Bayle, who
 emptied his common-place book on his dictionary, has been unhappily followed
 by both Robertson and Stuart, in their enquiries on the progress of society, &c.
 while the short text, and long notes at the end, not only present a most unclassical
 mode of composition, but seem merely calculated to dismember and confuse a
 subject, and oppress the patience of the reader.

junction with his privy council: but it was chiefly used in 1437—
punishing riots, and in other special cases which demanded a 1488
speedy remedy, and could not be deferred till the meeting of
a parliament, the last court of resort. In the last century it
was to usurp the odious powers of a star-chamber, and its fall
was matter of national exultation.

Such numerous minorities occur in the history of the Scottish monarchs, that the state of the government at those periods deserves much attention, and will be found explained in several passages of the historical narration. It appears that the privy council retained its chief powers under a Council of Regency, though the officers of state were often the principal members of both.

These Officers of State themselves claim the next consideration; and their original importance in the government, and in the national history, demands that particular attention should be paid to their distinct duties and privileges.

In Scotland those of chief consequence at this period were the Lieutenant General of the Kingdom; the Steward, an office now held by the prince, and little exerted; the Constable; the Marshall; the Chancellor; the Great Chamberlain; the Treasurer; the Justiciary; the Admiral; the Master of the Household; the Privy Seal; the Comptroller; the Secretary. Among those of smaller moment may be named the Clerk of the Register; the Treasurer depute; the King's Advocate; the Justice Clerk; the King's Chamberlain.

The first named of these offices, though almost unknown to all writers on our constitution, was doubtless the second in the kingdom, and almost amounted to a regency during a weak reign or a minority. The Lieutenant General commanded the whole military array and force of the realm; being a substitute for the king himself, in his high capacity of general of

1437—the nation. We have seen the ambitious Robert duke of Albany appear in the synonymous characters of lieutenant general, and governor of the kingdom, during the reign of Robert III his brother. The potent earls of Douglas held this office in the minority of the second James: and it appears at intervals in the minority, and reign, of James V.

The stewardship, upon the accession of the House of Stuart, merged in the principality. As David duke of Rothsay was the sole prince of that family, who came to majority after the accession of the family, the kings held the lands and privileges of the office: and James IV, in the parliament of 1490, was to order that all the free-holders of the steward-lands “should appear and answer in the parliaments, and court of circuit, with their suits and presence, in a proper manner, till our sovereign lord have a son, *who shall be immediate betwixt the king and them, to answer for them in the said parliaments, and courts of justiciary*: and suit-rolls to be made thereupon, which shall endure till the prince be born².” A statute requiring the explanation of some legal antiquary.

The Constable, originally as the name implies, the officer who had charge of the royal stables, arose by degrees to be commander in chief under the sovereign; and continued in that high rank in France, even in the century now under view. His office in Scotland appears to have been vague, and titular; and was confined to the arrangement of the royal camp, a duty which seldom occurred; to the reception of the

² Cap. 16. Mr. Wight, p. 63, seems to understand that the prince was the natural representative of his tenants in parliament; and see his appendix, p. 468, for a paper shewing that noblemen were understood to *represent* their lands, even so late as 1681. A curious topic too ample for discussion here, as leading to great questions; whether the nobles were not at first considered as *representing* their tenants; the origin of representatives for shires, after a county had ceased to be synonymous with an earldom; and others of similar import.

members of parliament at the door of their hall; and other 1437—
objects of more lustre than utility. The noble family of Hay 1488
have long inherited this office; but we have seen it usurped
for a season by Boyd earl of Arran: yet he might perhaps ap-
pear as a delegate for the aged earl of Errol.

The Marshall was master of the horse; as the Seneschall, Styward, or Steward, was of the herds and flocks, the chief wealth of early times. The marshall ought to have arranged the army in battle: and he was the chief judge in the courts of chivalry, to determine points of honour and arms. He was also considered as a commander in the field; and the French marechals long retained the office. The hereditary marshalfy of Scotland continued for centuries in the family of Keith.

In the reign of James III the Chancellor arose to a precedence next to the prince of the blood. He was president and speaker of parliament; examined, and passed, charters under the great seal; was president of the privy council, where and in the committees of parliament, he exercised great juridical functions. In short he had the chief rank in civil affairs, as the Lieutenant General had in military.

The Great Chamberlain, an office originally joined with that of Treasurer, collected the royal revenues, and accounted for the expenditure. His jurisdiction, as appears from the *Iter Camerarii*, was very extensive: and a great proportion of the revenue arising from the customs, and other duties paid by the royal burghs, they were committed to his particular charge. The management of the magistrates, the use made of the property of the towns, the complaints and disputes of the burghesses and craftsmen, the prices of provisions, the rules of barter and sale, were among the objects of his authority.³ The collec-

³ See the *Iter Camerarii* in Skene; and Stuart, p. 33.

1437—tion of the royal revenues, and his power over the collectors,
 1488 } were also sources of great influence. But the power of the
 Chamberlain over the Burghs was considerably restricted by the
 Court of Four Burghs, consisting of commissioners from these
 towns, who were summoned extraordinarily to hear appeals
 from the Chamberlain's circuit courts: but their ancient an-
 nual meeting was at Haddington ⁴. These four burghs were
 Edinburgh, Stirling, Roxburgh, and Berwick; till the two
 latter falling into the hands of the English, it was ordered in
 the parliament of March 1368 that Lanark and Linlithgow
 be substituted, reserving the rights of the former when re-
 taken ⁵. The meeting of commissioners of the burghs at In-
 verkeithing, authorised by James III to form mercantile re-
 gulations, seems little to have increased their importance in
 national scale.

Latterly the office and power of the chamberlain were shared
 by the Treasurer, who received and expended such of the royal
 revenues, as belonged to the private expence of the king and
 his family. This office was introduced in 1424 by James I,
 on his return from England ⁶.

The Justiciary was originally an officer of great power, as
 appears from the *Iter Justiciarum*. His jurisdiction was both
 civil and criminal; and he held circuit courts twice in the
 year. Treason, and the four pleas of the crown, were spe-
 cially reserved for his cognizance. But while the *Justiza* of
 Arragon was to controul the monarchs, the Scottish Justiciary
 never attained any preeminence above other officers of state.
 On the contrary his power was divided; there being often a
 Justiciary for the counties south of the Forth and Clyde, and
 another for the north ⁷. Till the office was assigned heredi-

⁴ 4to. Reg. f. 53.

⁵ Ibid.

⁶ Crawf. Off. 252.

⁷ The statutes, by their frequent mention of the *Justices*, seem to indicate
 more; yet the deputies of the Justiciaries may be implied.

tarily to the noble family of Argyle by James V, it had been 1437—
 held by Sir Robert Lauder of Bas, and other names hardly 1488
 known in history. And when Charles I withdrew it from
 Argyle it passed to Sir Thomas Hope, and afterwards to Sir
 Ludovic Stuart, men of talents, but far remote from the charac-
 ter of Spanish *justizas*. It is sometimes useful to collate do-
 mestic customs with foreign; but to form general views of the
 feudal system, and afterwards apply them to particular coun-
 tries, without a profound and laborious study of their history,
 is a practice pregnant with errors. The feudal system of each
 European kingdom forms quite a distinct province. It is
 easier indeed to draw materials from the literature of France,
 England, and other enlightened countries, than to search into
 obscure chronicles, old manuscripts, and records, for the ge-
 nuine history of the Scottish constitution. But an infinite con-
 fusion arises from an injudicious mixture of our history, and
 antiquities, even with those of England: they ought sedulously
 to be kept apart; and the skillful reader may afterwards
 himself compare the topics, as treated by the historians, law-
 yers, and antiquaries of the sister nations.

It is to be regretted that we have so few materials for the
 history of the next important office, that of Admiral: nor to
 the notices, scattered in the historical narrative, can any thing
 be here added. His jurisdiction in maritime affairs, in the
 reign of James III, appears from the reference of the English
 to his judgment, concerning the capture of vessels, and com-
 pensations on that account. In latter times he was Justice-
 general upon the seas, on fresh waters within flood-mark, and
 in all harbours and creeks; his authority extended to all mari-
 time causes, comprehending questions of charter-parties,
 freights, salvages, bottomries, and the like. His delegate is
 the judge of the high court of admiralty; and he may appoint
 inferior

1437—inferior deputies for districts, but their sentences are subject to
 1488 the revifal of the high court. The admiral's jurifdiction is fupreme, and no question can be transferred even to the feflion, except by fufpension or reduction. Even many mercantile cafes are by ufage fubmitted to the admiral^s.

The lord Privy Seal was an officer of confiderable confidence, who put the royal fignet to gifts of moveables, and other fmall grants not requiring feizin. The Secretary wrote the royal letters, and managed feveral private departments of bufinefs; latterly he came to be an officer of high rank and importance, and his frequent accefs to the royal ear gave him fuch influence that he almoft rivalled the chancellor.

The Master of the Houfehold, *Magifter Hofpitii*, fuperintended the royal domestics; and the Comptroller fhared the former offices of the chamberlain, and treafurer, by regulating the expences and checking the accompt, and fupplying temporary advances of money.

The clerk of the register, or mafter of the rolls, had the care of the records and charters, and was clerk of parliament. The treafurer-depute's duty is explained by his appellation. Royal cafes, and profecutions for crimes, efpecially treason, were prerogatives of the king's advocate. The juftice-clerk, or clerk of jufticiary, was an affeffor to the Jufticiary, to affift him in points of law; and the lord juftice-clerk remains an office of importance. The king's chamberlain, or private chamberlain, was an officer of great favour and truft; Sir William Crichton held this place, while Sir John Forefter was great chamberlain; and the former was more in confidence with James I, than the latter.

^s Erskine, Principles, b. I, t. 3, § 18.

In passing from the constitution, and court, to the administration of justice, the following ordinance of James II may be added to the intelligence concerning the Mairs and Serjands. 1437—
1488

“ Our sovereign lord, and his three estates, ordain and determine that if any of his Officers, or Sheriffs, Mairs, Baillies, Crowners, Serjands, Provosts of Burghs, and their deputies, either in town or country, be found faulty or negligent in the execution of their offices, and the offence may be legally proved or notoriously known; if the said office belong to him in fee or heritage, he shall lose his office, and the profit thereof, for a year and a day, and be punished by the king in his person, and effects according to the trespass: if his office be not of inheritance, he shall entirely abandon it, and be punished in his person according to his trespass, at the royal pleasure.”

It is a chief object of these retrospects to retrieve from the darkness of antiquity such information as may have escaped former research. The duties of the sheriff have been frequently explained; but the Coroner, an officer of high importance in various stages of our history, seems unknown to our legal or antiquarian enquiries. His function may be illustrated by the following statutes, which at the same time throw a strong light on the administration of justice, at the period of the last parliament of James III.

“ It is thought expedient, and ordained, for the advancement of justice, the bringing in of trespassors to law, and their punishment, that in time to come when the *Crowner* receives his *porteous*¹ and *traistis*, if there be any persons disobedient,

¹ 1458, c. 76.

² *Porteous*, or *Portas*, in its original meaning is a breviary, or small book of divine offices of such a size as to be easily carried abroad: *portiforium*. It is here a list of criminals.

1437—whom he dares not, nor is it in his power to arrest, in that
 1488 case the Crouner shall pass to the lord and baron of the barony
 where they dwell. And if he dwell not within a barony, he
 shall pass to the sheriff of the shire, and shew his *porteous*, that
 he has such persons therein mentioned, and enquire if the lord,
 baron, or sheriff, will be surety and pledge for these persons,
 to produce them at the circuit. If they consent, he shall de-
 liver to them the names that they may become pledges, by
 writings sealed and subscribed. And if they refuse to be sure-
 ties, he shall require the lord, baron, or sheriff, in the king's
 name, either to pass, or send their officers, with their follow-
 ers and servants in sufficient number, with the said Crouner,
 or assist and aid him in making the arrest, or seizing him who
 will not become surety, till he be brought to the sheriff, to be
 retained till the circuit. Any lord, baron, or sheriff refusing,
 to forfeit ten pounds to the king, the Crouner proving the
 offence².—"It is thought expedient for the punishment of
 criminals, who escape from the Crouner, that in future he
 shall bring such to the sheriff, who shall keep them prisoners
 on our sovereign lord's expence, till the next circuit, and then
 present them to the Justiciary. The sheriff shall be allowed
 from the exchequer three-pence a day for each, on bringing a
 certificate from the Justiciary. If the sheriff refuse to receive
 the criminals brought by the Crouner, he shall incur *the danger
 and unlaw*³ of the Justiciary-circuit, to the fourth court, as a
 surety should do in default of producing the person arrested⁴."—
 "It is ordained that because the Crouners in times past,
 through erroneous custom and abuse of the law, after a criminal
 was convicted before the Justiciary, and condemned to death,
 would immediately pass or send to escheat the effects of such

² 1487, c. 99.³ be lyable to punishment and fine.⁴ Ibid. c. 101.

criminals, though belonging to the king, and appropriate a ¹⁴³⁷⁻ part of the corn, cattle, and other effects, neither in law nor ¹⁴⁸⁸ reason appertaining to their office. Therefore it is decreed that in future no Crowner pretend to take any such effects, till the sheriff or his deputy shall pass or send, examine the effects, and allot the Crowner his share, the remainder to be delivered to the king's treasurer; nor shall the sheriff deliver more to the Crowner than his legal portion. Punishment, as of robbery⁵. Another statute ordains that, on the last day of the circuit, the Justiciary shall appoint a jury to examine if the sheriff and coroner have done their duty: and another decrees to the latter a young labouring horse, if any be, among the effects of an executed malefactor⁶.

From other evidence it appears that the family of the Neilsons had, in the reign of James V, been heritable coroners of Bute for two hundred years: and in 1535 Hugh earl of Eglington was appointed Coroner of the county of Cunningham, on the resignation of Cunningham of Caprinton⁷. During the civil commotions, in the reign of Charles I, the military force of each county was led by a *Crowner*⁸, a term which appears to have been succeeded by that of *Colonel*.

In 1475 gifts of lieutenancy were issued by James III to Lennox, Argyle, Athole, Huntley, of various sheriffdoms in which their estates lay. Nor were the clergy averse to such secular authority; among other instances the abbot of Kilwinning obtained the power of chamberlain over all the abbey-

⁵ Ibid. 102.

⁶ Ibid. 108.

⁷ Scotstarvet's Calendars of Charters, sub anno 1535.

⁸ Baillie's Letters and Journals, 1639-1660, Edin. 1775, 2 vols. 8vo. passim: a book full of curious and important information, and the remainder promised by the editor, particularly the obscure period 1649-1660, would be highly acceptable.

1437—lands, and the repledging of the tenants from any other judi-
 1488 catory⁹.

The court of Session had been instituted by James I in 1425. Its members were nominated by the king from the estates of parliament; and it was termed the Session because its meetings were fixed at certain periods and places. James II ordained particular regulations concerning this court; but as its members only served by rotation, and without salary, it was at once ignorant and negligent; and was at length to be exchanged for a daily council, appointed by the patriotic parliament of 1504. It is to be regretted that James I did not found courts upon the English model; but perhaps the penury of the country afforded no funds for salaries; perhaps the confined nature of the regal jurisdiction, or some other circumstances prevented such an attempt.

But the power of the session, the justiciaries, the sheriff and coroner, was greatly restricted by the Regalities, or Lordships Palatine. Their jurisdiction was royal, as the name implies; in civil affairs it equalled that of the sheriff; and in criminal it even comprized the four pleas of the crown, murder, robbery, rape, and fire-raising, rivalling that of the Justiciaries over every crime, except treason. The lord of regality could *repledge*, or reclaim, all criminals subject to his jurisdiction, even from the courts of the Justiciaries¹. These extravagant grants, incompatible with the regular administration of justice, had been lavished by the royal favour; or extorted by the

⁹ Scott. Cal. Dec. 1475, Jan. 1473. At 1476 Scottstarvet records a charter to William Thane of Caldor of the *thanage* of Caldor, and many other lands, but all in *thanage-ward*: qu. *tanistry holding*, if the heir minor, the chief to be the nearest male relation capable of arms; or implying the military services of ALL the tenants, as usual before *knights' fees*, *feu-farm* or *soccage*, came in use?

¹ Erskine Principles, b. I, t. 4, § 4.

power of several great barons, when they had themselves expelled the English from their territories, or had rendered some eminent public service. In 1455 an attempt was made to prevent any further grants of regality, by subjecting them to the consent of parliament²; but the practice was as inveterate as it was imprudent. The ecclesiastic lords, ever desirous of exemption from any authority save that of the pope, are supposed to have set the first example of regalities; the temporal authority was delegated to a Bailiff, and often hereditary. Regalities continued to be granted, and confirmed; and the charters of hereditary sheriffdom to the peers and chiefs within their lordships, were almost tantamount, and became so numerous as to extend over all the country. When regality lands were forfeited, the king appointed *stewards* over them with similar powers; hence the hereditary stewards of Strathern, Menteith, Annandale, Kirkudbright: while over baronial lands in the crown only *Bailiffs* were nominated, as in Kyle, Carric, Cunningham, and even the last-named offices were to be held hereditarily by peers. Happy country, thus filled with hereditary wisdom and hereditary justice!

Nor must the Spiritual Courts be omitted, which before the reformation were to become great grievances. They originally sprung from the confidence which piety reposed in the bishops; who were entrusted with the care of estates, and orphan children. Hence their claim to judge in testaments and legacies: and marriage being a sacrament, administered by ecclesiastics since the twelfth century, prior to which it was merely a civil contract, all questions of divorce, breach of vows, and the like, passed to the ecclesiastic courts; from which no appeal lay except to the metropolitan, or finally to

² Acts, c. 43.

1437—the pontiff. Tythes and patronage were natural objects of church decision, and notaries were appointed by the pope: but scandal, and any affairs confirmed by an oath, though ly-
 1488 able to ecclesiastic jurisdiction, might in all ages seem secular questions. The bishops were supposed to be occupied in divine duties, and delegated their power to officials or commissaries: but the court was styled the Bishop's Court, or *Curia Christianitatis*, and also the Consistorial Court, from the *consistory*, or court of appeals held by the Roman emperors³.

Two statutes of James II, concerning the administration of justice, deserve particular attention. “The three estates have ordained that the Justices on the south side of the Scottish sea (the firth of Forth) hold their courts of circuit twice in the year; and in like manner on the north; according to ancient use and custom. And so also lords of regality within their regalities, and the king's baillies of his regalities. And that the king himself, till the due course of justice be restored, pass to every town where the circuit is held, or to its vicinity, as his council shall think convenient⁴.”—“It is ordained and decreed that in all circuits of justice, sheriff courts, and generally all courts spiritual and temporal, all persons, freeholders and others, shall attend in a sober and quiet manner. And that no man bring with him more persons than are in his daily household, and family service. And when he arrives at his lodging, he and they shall lay aside their weapons and armour, if any they bring; and wear no weapon except a knife. And if any be at open enmity, and alledge fear of his life, the sheriff shall require *law-burrows*, or legal surety, from both; and prohibit them in the royal name to disturb the king's peace, on pain of incurring the law, which the king shall execute without re-

³ Erskine, b. I, t. 5, § 23. For the abuses of the Consistorial Courts see Lindsay's Play, p. 164, 170.

⁴ 1440, c. 5.

mission on the infringer. If the sheriff be negligent he shall be ^{1437—} punished, according to the statute ordained for reforming the ¹⁴⁸⁸ faults of officers of justice⁵. In 1487 the lords and commons in vain engaged not to support any criminal friends, or relations, at the bar : but the offence was to continue common in the succeeding century⁶.

James III in 1469 ordered that if the Justice, Sheriff, Steward, Bailie, or Baron, Provost or Baillie of burghs, refuse to execute justice the complainant shall repair to the king in council, who shall punish the offending magistrate by the penalties there mentioned⁷. Among the grievances of this reign the abuses of the court of Session appear to have been one of the chief. The want of regular intermediate civil courts, between that of the sheriff and the king's council, must have led to much inconvenience, and maladministration ; the power of the privy council having been ever esteemed one of the grand defects of the Scottish constitution, being an arbitrary star-chamber uncontrouled by genuine justice or equity. With all its imperfections the court of session, consisting of all the members of parliament in rotation, must have been an institution far more free and impartial.

Some regulations appear concerning inquests, and juries on criminal causes ; but the want of juries in civil cases was to continue a disgraceful contrast between English and Scottish jurisdiction.

Among the means of preserving the public peace, the letters of *law-burrows* must not be omitted. The term is derived from *borgh*, a pledge or surety, which any person, in fear of another's violence, had a title to demand, that he should not be injured in his person, family, or estate⁸. He who re-

⁵ 1458, c. 82.

⁶ cap. 98.

⁷ cap. 27.

⁸ Erskine, b. iv, t. 1, § 21.

1437—fused to grant such security was lyable to high penalties: when
 1488 granted, the sureties became amenable in the terms of the following statute of 1466. “Concerning law-burrows it is enacted, that if they be infringed on any bishop, abbot, or prelate of the church, earl, or lord of parliament, with their personal hurt, or that of their servants, the sureties of the infringer shall pay to our sovereign lord a fine of one hundred pounds. If on any knight, baron, squire, or clergyman of large benefice, fifty pounds. If on a burghers, yeoman, or priest, thirty pounds. Together with due compensation to the party injured. Unless the sureties produce the infringer before the king or the sheriff, within forty days. The king to have the fines of all law-burrows broken, that shall fall within the jurisdiction of his own officers, either in town or country: and the lords of regalities and baronies to have those taken in their lands, by them or their officers, according to their ancient infeoffments and privileges.”

One of the last statutes of James III is in the following terms. “The three estates have committed the full power of the whole parliament to the persons under-written, (they do not appear,) to advise, confer, and report to the next parliament or general council, concerning the reduction of the king’s laws, *Regiam Majestatem*, acts, statutes, and other books, to be bound in one volume, and authorized; and the others to be destroyed. Four persons to be appointed for each of the three estates. The prelates to bear the expence of the clerical members: the barons of those they shall appoint: and the burghs that of their commissaries.” In like manner James I had appointed a committee of six of each of the estates, to examine, and amend, “the books of law, that is to say *Regiam Majestatem*,

’ cap. 5.

’ 1487, c. 115.

and *Quoniam Attachiamenta* ²." It has been shewn by skilful judges that the work quaintly styled *Regiam Majestatem* is a transcript of Glanville's production. It was probably brought into Scotland by David II, who was greatly attached to England, and desired to bequeath his sceptre to an English heir; and by an artful incorporation of some genuine laws of David I, Scotland was prepared to receive it as a code of that illustrious monarch. The feeble reigns of Robert II and III, and above all the tumultuous regencies of the dukes of Albany, had so far obliterated the very memory of the laws, that the error had in the reign of the first James taken deep root, and was to shoot vigorously ³. The *Quoniam Attachiamenta*, or Baronial Laws,

² 1426, c. 54.

³ See Sir D. Dalrymple's Examination of some of the arguments for the antiquity of *Regiam Majestatem*, Edin. 1769, 4to; and the Observations on the *Regiam Majestatem*, 8vo, written by John Davidson, Esq. a venerable promoter of the study of Scottish history and antiquities, who assisted Dr. Robertson in 1757, and continues his laudable researches though now in his seventy-seventh year.

While Sir David's arguments prove that the *Regiam Majestatem* could not exist before the reign of David II, he yet inclines to deny that it is so late as that epoch, because in the reign of James I it was esteemed an ancient and authentic code: but this argument is answered in the text, and ignorant ages are such complete strangers to any standard of antiquity, that the *Leges Malcolmi*, a then recent forgery, were supposed to be laws of Malcom I! To our old historians, Fordun and Winton, the *Regiam Majestatem* is unknown, and it is most probable that David II, when attempting to settle the succession of his crown on a son of Edward III, endeavoured silently to assimilate the Scottish laws with the English, by its introduction. Yet failing, the book lurked in ms. in one or two monasteries, when James I, equally desirous of benefiting his kingdom by an emulation of English polity, revived it: but Craig, a superlative judge, testifies that it never was a code of Scottish law, and that it has not even the least connexion with the usages or forensic practice of Scotland. Lib. I, t. 8, § 7.

1437— Laws, seem chiefly of genuine indigenous birth. But an
1488 edition of our authentic ancient laws, with an ample disserta-

Sir David's second argument, p. 36, that the Regiam Majestatem is more ancient than the time of David II, is so singular that it shall be transcribed entire.

"To this I add another chronological argument, which appears to have some weight. Cardinal Wardlaw, secretary to David II, died in 1389. His nephew, Henry Wardlaw, was promoted by him to the rectory of Kilbride, and the precentorship of the cathedral of Glasgow. He was made bishop of St. Andrew's in 1404: and was chancellor of Scotland during the whole reign of James I. It will be admitted that the statute 54, par. 3. James I, 1425, [1426,] was either drawn up by him, or under his direction. Now as bishop Wardlaw was beneficed by his uncle, it is probable that he had come to man's estate before 1389, when his uncle died. Bishop Wardlaw, educated under the Cardinal secretary to David II, must have known whether Regiam Majestatem was an ancient, or a very modern, composition. This 54th statute shews that he considered it as an ancient composition: and hence, independent of all other arguments, there arises a cogent reason for believing that Regiam Majestatem was not compiled by the command of David II."

This argument is of too delicate, too feeble a texture: it forgets that the forgery might have happened early in the reign of David; that it might be a state secret; that the book may not even be older than the reign of James I, no more ancient MS. or reference being known; that this last prince was a rational admirer of English polity, and might wish to introduce it by a holy fraud; that the chancellor or secretary might in consequence even interpolate, or alter, the statute, a complaint not unknown. But why waste discussion? What must be the reader's surprize when he sees this cogent argument completely overturned, only by reminding him that Henry Wardlaw, far from being chancellor, "during the whole reign of James I," *never was chancellor at all*? It was John Cameron, bishop of Glasgow, who was chancellor during all that reign, (Crawf. Off. 25 :) and the continued favour of James to this able and respectable prelate, says more in his favour than is sufficient to confute the fables of Boyce.

The Cromarty MS. of the Regiam Majestatem, in the Advocate's Library, concerning the antiquity of which Sir David hesitates to pronounce, is written about 1450, as appears from a fac-simile now before me, and from the opinion of a skilful inspector

tion on the subject, is reserved for enlightened times, of more acute and suspicious judgment than those of James I, or III. ^{1437—1488}

The code, of infinite importance to philosophy, history and antiquities, would probably embrace, 1. The genuine laws of David I, forming many pages in the *Regiam Majestatem*, not to be found in Glanville: 2. The Laws of the Burghs, apparently ordained by David I: 3. Those of the Baronial courts: 4. The *Statuta Gildæ*: 5. The *Iter Camerarii*, and the *Iter Justiciarii*: 6. The Forest Laws. The acts of Robert I, David II, and the two latter Roberts, admit of easy and certain authentication: those of William and Alexander II, for none have yet arisen of the third Alexander, would require more sedulous care to complete the series; which demands neither eminence of talents, nor excess of labour, but is essential to the national science and reputation⁴.

The obscurity attending the reign of James II, the important service which the house of Hamilton rendered to that prince, its subsequent connection with the royal family, and ambition latterly to reach the diadem itself, will apologize for presenting the less learned reader with a translation of the interesting erection of Hamilton in 1445, into a hereditary lordship of parliament, or what would now be termed a peerage; nor is the grant without intrinsic value and curiosity to the antiquary and man of science, as a specimen of the constitutional forms, and law language of the period.

“James by the grace of God king of Scots, to all honest men of his whole realm, clergy and laity, greeting. Know

⁴ The canons of the councils, published by Wilkins, and those of John Cameron bishop of Glasgow, ms. formerly mentioned, ought to be added, as forming the ecclesiastical law of the kingdom. One small volume would contain the whole.

For laws anterior to Robert I, see Ayloffe's Calendars, p. 335, where the *Leges Burgorum Scotiæ* are specially mentioned.

1437— ye that we, with the mature deliberation of our parliament,
 1488 held at Edinburgh on the twenty eighth day of June, and of
 our reign the ninth year, have given, granted, and have by
 this our present charter confirmed, to our beloved cousin James
lord (laird) of Hamilton knight, all and singular the lands of the
 baronies of Cadyhow and of Mawchane, and the superiority of
 the lands of Hamilton-farm, and the lands of Corbaskat, with
 the appendages, lying in the sheriffdom of Lanark and barony
 of Kinneil, and with the appendages lying in the sheriffdom of
 Linlithgow. Which lands, and superiority, were formerly the
 hereditary property of the said James; and which he, not
 moved by force or fear, nor led by error, but of his own free
 will, did restore, and purely and simply resign, by staff and
 baton, in the presence of the three estates of our kingdom,
 into our hands, we then sitting on our throne in parliament, in
 royal state and majesty; and he perpetually quitted all right
 and claim, which he might have, or acquire, to the said lands,
 superiority, or appendages, for himself and his heirs. All
 which baronies, lands, superiority, and appendages, we create,
 join, and unite into one real free and entire Lordship, which
 shall in all future times be styled and denominated the Lordship
 of Hamilton. And the manor-house of the said James, now
 called the Orchard, situated in the barony of Cadyhow, shall
 be in future the principal and capital messuage of all the above
 baronies, superiority, and lands, with appendages, of all the
 above Lordship, and shall be styled and denominated *Hamil-*
ton. And we create and name the said James an hereditary
 lord of our parliament. To have, and to hold, all and fundry
 the baronies, superiority, and lands above mentioned, (the said
 James having before of us, as baron of Kilbride, held *in capite*
 the superiority of the lands of Hamilton-farm, and the lands
 of Corbaskat,) by the said James, and his heirs, of us, our
 heirs

heirs and successors, kings of Scotland in fee, and perpetual inheritance; with all their ancient boundaries and divisions, with all and singular the liberties, commodities, and conveniences, and just appendages, named or not named, above ground or beneath, far and near, anywise belonging to the said baronies, superiority, and lands; of all the said lordship of Hamilton, or accruing to them in future; as freely, quietly, entirely, honourably, well, and in peace, in all respects, as the said James, or any of his predecessors, held of us, or our ancestors, the barony superiority and lands of the whole lordship of Hamilton, or of us as baron of Kilbride the superiority of Hamilton-farm and lands of Corbaskat, before his said resignation. The said James performing to us, our heirs and successors, kings of Scotland, the services due and wont. In testimony whereof we have ordered our great seal to be appended to this charter, before these witnesses, the reverend fathers in God John, James, John, John, and Michael, bishops of Glasgow, Dunkeld, Moray, Brechin, and Dunblane; William, David, Archibald, Hugh, and Alexander, earls of Douglas, Crawford, Moray, Ormond, and Huntley, and our dearest cousins; Duncan, Patrick, William, Herbert, and Alexander, lords Campbell, Graham, Somerville, Maxwell, and Montgomery: John Dalrimpill, John Scrogs, and James Parklee, burgesses commissioners of Edinburgh, Aberdeen, and Linlithgow; masters William Turnbull keeper of our privy seal, John Shevis, clerk of the rolls and register, and John Railstone our secretary. At Edinburgh the third day of July, in the year of our Lord one thousand four hundred and forty five, and of our reign the ninth year⁵.”

⁵ Davidson, Chamberlain's accounts 1329, &c. Edin. 1771, 4to, p. 27, 28, from the family archives.

1437—
 1488 } At the time of this erection the house of Douglas was in the plenitude of its power; and the Hamiltons having ever been attached to that great family, the source of favour becomes evident; nor is it matter of surprize that lord Hamilton at first followed Douglas, against his sovereign. After the fall of that house, and the marriage with the princess, the Hamiltons were to become one of the most potent families of Scotland; and in the sixteenth and seventeenth centuries that of Argyle could alone contest the superiority.

To the observations formerly given on TACTICS little can be added. In a parliament of 1456 James II ordered, “that all men who have lands or goods be ready, horsed and accoutred as their lands and effects will afford, for the defence of the realm, at the command of the king And that every man, whose effects extend to twenty marks, be provided at least with a *jack* with sleeves to the hands, or splents; and a *pricked hat*, a sword, and a buckler, a bow and a sheaf of arrows if he can procure them, if not an axe; and a targe either of leather, or firm board, with two bands upon the back⁶.”

James III in 1471 ordained, “that no merchants should import spears less than six elns in length, and that no bowyer in the kingdom should make them of shorter size . . . that every yeoman, who cannot use the bow, shall have a good axe, and a targe of leather, to resist the English arrows, which will only cost the value of the hyde⁷.” By both parliaments *carts of war* are ordered to be provided, which bore two patereros or small cannon; a machine probably derived from the Flemings or French; and which Henry VIII was, from the Scottish example, to introduce into the English army⁸.

In

⁶ cap. 56. ⁷ cap. 45.

⁸ They are represented in the Coudray picture. Grose hist. of Engl. army, 2 vols. 4to, II, 330, a work unlike Daniel on the French, and without plan or chronology.

The

In 1481 the spears are ordered to be five elns and a half in 1437—
length; and the jacks, or leathern tunics, to extend below the 1488
knee; the targe of timber, or leather, to be made after the
form of one sent to every sheriff⁹.

While the defensive armour of the commons was the jack and targe, the leaders were arrayed in plate armour of complete steel, which had succeeded the mail or interwoven rings. The helmet had a visor to turn up, for fight; and a bever to turn down, to admit drink or food: sometimes they both went up in divisions under the front of the helmet, so as to leave the face open. The gorget, for the throat or neck, resembled a flat bason open in the middle. The cuirass covered the body; and had projections to defend the shoulders from the violent down-stroke of the axe or two handed sword, as the crest defended the head; these projections were termed pass-guards. To allow motion to the thighs the culet, or *garde-des-reines*, a short steel petticoat was contrived. The arms were protected by the brassers; the thighs by the quiffets; the legs by the greaves; the gauntlets, splents, and other pieces, need hardly be enumerated. Even the horse had his armour of appropriated denominations; and all his front was particularly protected from the spear, or sword: the chafron, or cheveron, with a projecting point, covered his forehead; the poitrinal his breast; the criniere his neck: the buttock-pieces were

The statute of James II concerning the carts of war is in these terms, "It is thocht speidfull that the king mak requeist to certane of the greit burrowis of the land, that ar of ony mycht, to mak cartis of weir; and in ilk cart twa gunnis; and ilk ane to have twa chalmers, with the remanent of the graith that efferis thairto; and ane cunnand man to schute thame. And gif they have no craft in the schuting of thame as now, they may leir or the tyme come that will be neidful to thame." Acts edit. 1566, fol. 38. * cap. 81.

more

1437—more rarely used, an embroidered cloth commonly displaying
 1488 the heraldic bearings of his master¹.

The assassination of James I probably led to the institution of the royal guard, which appears under his successor, and James III; but which James IV was probably to discontinue, as on its revival by Albany, in the minority of the fifth James, it was regarded as a novelty. Concerning the number, or pay of the officers and foldiers, nothing arises till the last mentioned reign.

The Scottish guards of France were apparently instituted between the years 1453 and 1461; though they may be as ancient as 1445, when the *gendarmerie* were restored. In the following century the captain was generally a Frenchman: till 1612 many of the foldiers were Scots; under Louis XIV most were French: yet even in the middle of this century, when the watch was changed, the answer was *Hamir*, a corruption of “I am here².”

If we except the royal guard, and a few occasional garrisons on the frontiers, Scotland was a stranger to any permanent troops, till the Restoration. France, her ally, had long set the example of standing forces, at first the prop of a government, and latterly the ruin. The connexion between that country and Scotland may warrant a brief digression on the origin of an institution, which has produced such memorable effects on the political arrangements of Europe. The original

¹ See Grose on Armour 1786, 4to: and his Hist. of the Engl. Army, 2 vols. 4to.

Patten, in 1548, says the Scottish gentry were not distinguishable from the common soldiers, having jacks and doublets of white leather, and chains of *latten* (a shining mixture of brass and tin,) around their thighs and arms, to protect them from cuts.

² Daniel Milice Française, Amst. 1724, 2 vols. 4to. Vol. II, p. 84—87. Daniel's English is *hhay hamier*!

feudal array of France generally served for three months, on 1437—
 their own charges: the period was afterwards restricted to 1488
 forty days, exclusive of the time occupied in joining the army
 or returning. About the year 1200 Philip Augustus had a
 paid militia, each fief furnishing and defraying the expence of
 an apportioned number of soldiers; the defaulter was not only
 constrained to pay the sum required for the service, but a fine:
 and in 1392 Charles VI extended the penalty to the forfeiture
 of the fief. The *communes*, *communitates*, or parishes and
 burghs, also furnished and paid their proportions. The *soldats*,
 or *soudoyers* of Froissart, had fixed wages; and the officers
 and men sold themselves to any state engaged in war. But
 their disorders becoming excessive, Charles V terminated them,
 and raised the *gendarmerie*, the soldiery of the sovereign, who
 paid the noble leaders from the royal treasury, they providing
 the men. In the weak reign of Charles VI the disorders re-
 turned; Charles VII reestablished the *gendarmerie* about 1445.
 He maintained fifteen troops, of 100 *lances* each; and per-
 suaded the burghesses and yeomanry to defray the expence, for
 their own benefit and protection, for the former *gendarmerie*
 had been lodged on them: each *lance* had five followers; so
 the whole number was nine thousand. But there were also
 volunteers who served at their own expence, in the hope of
 succeeding on a vacancy: so that the troop, or company,
 sometimes amounted to 1200 horse. They were lodged in
 the towns, only twenty or twenty five being allotted to one
 place; and their utility was soon perceived by the prevention
 of public ravages and disorders, and the consequent restoration
 of agriculture and commerce. They were all gentlemen, led
 by the nobles, who were ambitious to be captains of the gen-
 darmerie, instead of leading their feudal force, which hence-
 forth was never raised except when the *Arriere Ban* was
 summoned.

1437—summoned. This institution maintained its purity till the reign
 1488 of Francis I, when modern soldiery appeared².

Nor must it be omitted that Charles VII ordered every parish to maintain one archer, who had certain immunities³; an example worthy of the imitation of the Scottish sovereigns, in their anxiety to promote archery, as a band of one thousand, trained and eminently skilled, might have afforded no mean aid in battle, and might have kindled universal emulation.

From the numbers of the Scottish army perhaps the only materials arise, from which the population of the country may be vaguely estimated: but unhappily the variations are so great that no accuracy can be expected. Bowar computes the array in 1436 at 400,000, half horse half foot, including all between the age of sixteen and sixty, capable of arms, excepting only herds, officers and servants of prelates, and some excused from necessity or merit⁴. Supposing the array a sixth of the population, the incredible number of two millions, four hundred thousand, would result. Other general arrays are computed at one hundred thousand; which supposing every eighth person appeared, gives the probable number of eight hundred thousand. The present population exceeds a million and a half, and it has been gradually increasing in this century: in the middle ages the most rational computation would be a million, yielding an array of eighty thousand effective men; but sometimes doubled by a disorderly rabble of unarmed peasants and boys.

² Daniel I, 55—156. Grose, Eng. Army I, 330, observes that Edward III paid his troops in Normandy, sixpence to a horseman, three pence to an archer. At that time the dress of the Welch soldiers was only a tunic and mantle. Ib. II, 2. ³ Daniel, I, 172. ⁴ Cont. Ford. II, 502.

1437—
1488
}

SECTION III.

Agriculture, Useful Arts.

THE information on these important topics continues lamentably barren; and the acts of parliament present almost the only authentic evidence.

The statute of James II, 1458, permitting lands to be let in *feu*, free from military service, was a notable introduction to improvement. The same prince had before ordained that a mortgagee of lands should not reduce the rents, in order to prolong his possession after his demand had been cleared. An ordinance of James III also deserves notice: “Concerning new inventions, and felling of lands by charter and seizin, and taking again of reversions, and the buyer may sell the land again to another person; it is now seen expedient in this present parliament, and according to law and conscience, that the first seller have recourse to the lands, sold by him under reversion, into whatsoever hands they may come, on paying the money, and shewing the deed of reversion; and have the same privilege and freedom against the holder of the lands, as against the first purchaser. And because such deeds of reversion may chance to be lost, our sovereign lord shall order them to be registered in his register, on paying the expence, half a mark each; and the extract shall have the same force as the principal reversion.”

⁵ Lindsay in his Play, p. 254, says the custom was derived from France,

Be set in feu after the forme of France.

⁶ 1450, c. 18.

⁷ 1469, c. 28.

1437— Lord Kaims supposes that the law of Scotland, even in that
 1488 century, did not permit the absolute sale of lands, or houses,
 except in cases of poverty, and where the apparent heir could not purchase⁸. This restraint must greatly have impeded the progress of improvement, to which the free and frequent alienation of estates so much contributes; a new and monied possessor having many incitements, unknown to the indolence and routine of hereditary holders.

Severe statutes were issued against those forestallers, who detained their corn from the market, in expectation of a scarcity. In August 1452 it was ordered that all the corn in the kingdom should be thrashed out before the last day of May then next, and that none should keep more in a granary than was sufficient for their family. The measures were regulated in 1458; the firloft, containing eighteen pints, was to be sixteen inches and a half in the recipient diameter; the half firloft, and peck, to follow in proportion⁹.

A parliament, held in July 1454, ordered every encouragement to foreign merchants importing grain; and to Scottish merchants bringing it from England¹. The act for that purpose in 1477 allows, as has already been mentioned, that the chief support of the country was by foreign importation. The low state, and slow progress, of agriculture may be further judged of from the statute of James II, 1458, ordering that every man, using a plough of eight oxen, should sow every year at the least one firloft of wheat, half a firloft of pease, and forty beans, under a penalty of ten shillings to the baron²: a mere transcript of a statute of James I in 1426.

The same parliament of 1458 decreed that no fences should be made of stakes, sticks, or hewn wood, but only of *lyand*

⁸ Hist. Law Tracts, p. 103, 427.

¹ Cap. 40.

² Cap. 81.

⁹ Cap. 37, 73.

wood, a term not absolutely clear². Ordinances also appear 1437—
for the destruction of eagles, bustards, kites, hawks, and par- 1488
ticularly wolves: for the latter purpose the sheriff or bailiff of
the county, where any appear, is to collect the people to hunt
them; and the slayer of the wolf is to receive one penny from
every householder in the parish³. The burning of heath, from
March till Michaelmas, is prohibited under the penalty of five
pounds, that the standing corn may not be damaged⁴. In
1477 the legislature condescended to ordain that a smith, who
injured a horse in the shoeing, should supply another till he were
found; or if irremediable, should exchange him⁵.

The sowing of broom is ordered by a statute of 1458: it
is still mashed, and given to cattle in a scarcity of other food.
The same act orders the freeholders, when they grant their
yearly leases at Whitsunday, to insist on their tenants' planting
wood and trees, and making hedges⁶. But these regulations
seem to have had little effect; and a tenant liable to be turned
out every year, must have had little spirit to plant or improve.
Had the legislature ordered long leases, their skill and patriotism
would have been more apparent. Even now the Scottish pea-
santry object to hedges, because forsooth they shelter flocks of
birds, who injure the grain; while the warmth and protection
from the wind, supply double the store devoured by these in-
truders. So the use of oxen in agriculture is objected to by
the servants, because they cannot ride them. When we per-
ceive what mean interests, and prejudices, oppose improve-
ments in enlightened ages, there is less room to wonder at the
slow progress of darker times.

An old chronicle has the following articles of intelligence.
“ 1439. Was the dear summer, for the boll of meal was at

² Cap. 82.

³ 1458, cap. 84, 87.

⁴ 1477, c. 76.

⁵ Ib. c. 79.

⁶ Cap. 80.

1437—twenty four shillings, and the boll of malt at two marks, and
 1488 the boll of wheat at thirty shillings; and many died of famine.”

In 1482, after the king's imprisonment in the castle of Edinburgh, “the corn became more cheap, for the boll, that was at four pounds, was then sold for thirty shillings of white (pure) silver⁷.” The learned Ruddiman estimates a boll of wheat in 1424 at two shillings; of rye, barley, and pease, at one shilling and four pence; of oats at six pence: an ox six shillings and eight pence; a horse thirteen and four pence⁸. Even in 1523 the boll of meal was at thirteen shillings and four pence. The above scarcities must of course have been enormous, and shew the incredible distress of the country in times of internal commotion; the value of the commonest provisions being increased about twenty fold, as if the English quarter were to rise from sixty shillings to sixty pounds!

Concerning the Useful Arts little information appears. Special regulations were issued, in 1458, concerning works in gold and silver; the standard purity of which is to be ascertained by a mark, stamped on it by the deacon of the craft⁹. In 1484 three marks were ordered; one of the artificer, one of the deacon, the third of the town. No dyer of cloth is permitted to exercise the trade of a draper; and the measure of cloth is to be computed exclusive of the selvage¹. Till a late epoch, Flanders was to supply Scotland with most of the articles of useful art and manufacture.

⁷ Chron. end of Winton 17 D XX. The numerals in the last words are not clear, and may be xxii not xxx.

⁸ Introd. ad Anderfoni Dipl. but his authority is the taxation act of James I, (see Appendix;) and it is probable the articles are not estimated at full price.

⁹ Cap. 65. 1484, c. 96. 1458, c. 66. 1469, c. 32.

SECTION IV.

Commerce, Money, Navigation.

THE state of commerce in Scotland at this period may best be estimated from the following lines of a noted old English poem, apparently written in the reign of Edward IV. It is intituled *The Bibel of English Policy*; and contains a number of just observations on the political interests of England, with some account of the trade of most countries². That of Scotland is thus described.

“ Of the comoditees of Scotland, and drapyng of her wolle
in Flandres.

Also over all Scotland the comoditees
Are felles, hides, and of wolle the flees.
All this must passe by us away,
Into Flaundres by England, this is no nay.
And all her wolle is draped for to felle
In the townes of Poperyng, and of Belle;
Whiche the duke of Gloucester, in grate ire,
For her falshede sette upon a fire.
And yit thai of Belle and Poperyng
Coude never drape her wolle, for any thyng,

² Extant in Harl. ms. 4011; and published by Hakluyt, Vol. I. It is quoted by Selden in his *Mare Clausum*, for the noted lines,

Four thynges oure noble sheweth to mee;
Kyng, shyp, swerd, and powar of the see.

But

1437—
1488
}

But yef thei had English wolle with alle;
Our goodly wolle it is so generalle,
Nedfull to hem of Spayn, and Scotland als,
And other costes: this is not fals;
The worthi marchauntis, I do upon ydoo,
That this is trew ye wote wele how.
For the staple of that marchaundie
Of Scotland is Flaundres truly.
Than the Scottes ben charged at fye,
Out of Flaundres with litell mercerye,
And grete plente of haberdashe ware,
And with cart wheles bare,
And barowes are laden in substaunce;
Thus must rude ware ben her chevesance.
So may thei not forbere this Flemysh lond,
Therefore yef we wold manly take on hond
To kepe the see fro Flaundres, and fro Spayn,
And fro Scotland, and fro Litell Bretaigne,
We shold right sone have pease, for all her bostes,
For thei must nedes passe by oure Englishe costes."

The main objects discoverable from those rude rimes are, that the chief exports of Scotland were fells or skins, hides, and wool; that the wool was manufactured at Popering and Bell, or Baileul, towns on the southern Flemish coast, between Dunkirk and Calais; that to make fine cloth it was necessary to mingle it with some English wool: and that the Scottish imports from Flanders were mercery, but more haberdashery, cart-wheels, and wheel-barrows.

Further hints concerning commerce may be derived from the statutes. Salmon formed an important article of export; in 1487 it was ordered that each barrel should be capable of containing

containing fourteen gallons; and that each burgh dealing in ^{1437—} that article should have three iron hoops, to measure the cask, ¹⁴⁸⁸ which is afterwards to be marked with a hot iron. Cattle were not allowed to be sold into England, except for ready money³. Many other regulations concerning merchandize have already been stated, in narrating the transactions of the parliaments. It is singular that an act of 1458⁴, bearing that merchants must be burghesses worth at least three *serplaiths* of wool, is only enacted by the clergy and barons; the interest of the burghesses being esteemed a ground for excluding them from the deliberation.

A statute of 1467 considerably illustrates the subject. “It is ordained that in future no ship be freighted without a charter-party, containing the following agreements; namely that the master of the ship shall find a sufficient steersman, *tymmer-men*, and ship-men fit for the service. That the master gratuitously furnish the merchants with fire, water, and salt. If there happen any contention or dispute between the master and the merchants, they shall abide by the jurisdiction and decree of the town to which the ship is freighted. That no merchant’s goods be torn or spoiled by improper stowage, nor anywise injured by the master or his servants, on penalty of losing the freight, over and above compensation for the damage. That the master stow no goods upon the upper deck, else they shall bear no freight; and no goods under deck, that may injure the others in a tempest. That every ship exceeding five *lasts* of goods shall pay to the chaplain of the nation in the foreign port, one sack; and under five *lasts*, half a sack; on the penalty of five pounds to the king. No drink money is to be paid to the master, or his agents. Each ship, homeward bound,

³ 1487, c. 110. 1451, c. 35.

⁴ Cap. 67.

1437—shall bring one tun of materials, for the church-work of the
1488 town to which it is freighted⁵.”

Concerning foreign merchants an important regulation was issued by James III, in his last parliament 1487. “For the common profit of the whole realm, and to excite strangers of other realms to visit this, with grain and other merchandize, to support the king’s subjects; it is ordained, that in future all strangers be treated honourably, with all favour, at whatever port they arrive. That none of our sovereign lord’s officers, nor other subjects, disturb them, or arrest their persons, ships, or goods; but they shall have full liberty and freedom to dispose of their goods, and sell them to *free-men*, without compulsion or violence: nor shall any price be set upon their goods, except in fair bargain and sale. That no new customs, impositions, nor exactions, be levied on them, but solely the ancient duties. And when any articles are wanted for the king, that his comptroller, or receiver, after the price has been settled, shall have as much of the first and best, as is necessary; for which immediate payment shall be made, that the strangers may not suffer by the delay. That in future no person, under pretence of purchasing for the king, take goods from strangers, to sell again, under the penalty of exile, and escheat of moveables. And any strangers now in the realm, complaining of any goods taken from them, or any injury, shall have immediate payment and compensation, according to justice: and in like manner any now absent, who may arrive with complaints, shall receive compensation and justice, against any person in the kingdom: so that by the administration of justice, and favourable treatment of all strangers, they may be excited to return, to the great utility of the whole kingdom⁶.”

⁵ Cap. 14. A *last* was about twelve barrels, or two sacks of wool. See Skene Gloss. voce *Serplath*.

⁶ Cap. 114.

The same monarch, about 1476, grants a passport to some 1437—
 Florentine merchants⁷. Commerce was now in a flourishing 1488
 condition in many countries: France, the ally of Scotland,
 had beheld Jaques Coeur, goldsmith or banker to the king,
 attain enormous wealth by industrious trade. In the reign of
 James II John Dalrymple had the singular title of *the king's*
*merchant*⁸; and perhaps carried on commerce for his sove-
 reign's behoof. It has already been stated that James III had
 ships, his own private property; one of which was taken by
 a vessel belonging to the duke of Gloucester. Nor were the
 bishops, and barons, averse to this laudable spirit of adven-
 ture.

Of the annual value of the customs, and extent of the trade,
 no evidence remains⁹; and any further illustrations of the state
 of commerce must be reserved till another retrospect, after
 remarking that the collector of the customs is, in the statutes,
 termed the *customer*: and that sums arising from them were
 often assigned by the monarch, as annuities of compensation
 or reward.

The nominal value of the Scottish money, compared to the
 English, was about one to two, till 1451, when it became as
 one to two and a half; and five years after as one to three.
 In 1467 it was about one to three and a half: and at last, in
 1475, as one to four: in which state it continued till the reign
 of Mary. The gold coin has St. Andrew on one side, and
 the arms of Scotland on the other; and from the latter it was
 termed the Lion; it also bore the name of Demy, because
 in the time of James I it weighed half the English noble.
 James III coined gold Unicorns, so called because that animal

⁷ Scotst. Cal. 1476.

⁸ Ibid. Jan. and Aug. 1459.

⁹ In 1365 the customs on wool were valued at eight thousand marks yearly.
 4to Register, f. 41.

1437—was chosen as the supporter of the Scottish armorial bearings;
 1488 } apparently by this prince, the supporter of the Stewart's arms
 having been a stag¹. It is almost unnecessary to mention that
 the *devices*, imputed to our monarchs, and retailed by our
 later historians, are the futile inventions of the last century².

The silver denominations were groats, half-groats, and pennies. Cochran, in the reign of James III, issued base groats and pennies; the former were called *placks*, and only passed for three-pence; in 1482 this corrupt coin was revoked³.

The copper coinage of Scotland commences in 1466. Of James III there are only farthings: of his successor pennies, half-pence, and farthings. A little silver is mingled, so as to constitute what is called billon.

The statutes shew that English, French, and Flemish coins were not unfrequent in currency.

Concerning Navigation little can be added till the reign of James IV, though the Scottish navy commenced in that of his predecessor, when Wood and Barton began to distinguish themselves. In 1458 the rates imposed for repairing the harbour of Dundee were, ten shillings on every ship; five shillings on a *crayer*, bus, barge, or *ballinger*; twelve pence on every *fercost*; and six-pence on large boats⁴. Other circumstances may be found in the text and notes of the narrative.

¹ For the coin see Anderson's *Dipl.* with Ruddiman's introduction; and *Essay on Medals*, London 1789, 2 vols. 8vo.

² They are quoted by Abercromby from one Keape's *Genealogies* written about 1680. Granger and Guthrie repeat the idle fictions. Anderson gravely publishes them with the coins!

³ Lindsay, 120. *Chron.* end of Winton, sub anno.

⁴ Anderson *Dict. of Commerce*, I, 277.

SECTION V.

Ecclesiastical History, Literature, Language.

THE few incidents of ecclesiastical history are mostly inter-¹⁴³⁷⁻
woven in the preceding books. Deservedly jealous of the papal ¹⁴⁸⁸
power, our kings continued to guard, by repeated statutes, the
liberties of the Scottish church, which in some measure cor-
responded with those of the Gallican. In 1471 the purchase
of any benefice or office at Rome was declared treason⁵; that
avaricious court contriving at this period to draw immense
sums from most European kingdoms, by the sale of benefices,
by arbitrary taxations, indulgences, and other arts: but the
expence of the bulls of confirmation was to continue a severe
tax on the Scottish bishops and abbots.

The clergy loudly exclaimed against James III, for quashing
the freedom of election, and assuming into his own hands the
nomination to vacant benefices, which he sometimes sold to
laymen. This right was to become a considerable source of
influence to the crown, when no minority intervened; but it
was perhaps one cause of the enmity betrayed by Mair, Boyce,
and other ecclesiastical writers, against the royal family and
prerogative. The avarice of the pope, a churchman, would
have been more tolerable to them than that of their sovereign;
and the injury of their holy monopoly was an unpardonable
offence. James I had, in his first parliament, ordered that no
clergyman should pass or send an agent out of the realm,
without permission; and that no benefices should be purchased⁶:

⁵ Cap. 44.⁶ Cap. 13, 14.

but

1437— but the royal nomination seems rarely to have been exercised
 1488 till the reign of James III; and the wealth of the church,
 which was at least equivalent to that of all the lay-interest,
 became a great object of state intrigue. In 1481 “it is or-
 dained by the king and his three estates, concerning the pri-
 vilege of the crown, used and observed in all times past, in
 the presentation to benefices during a vacancy in the sees of
 bishops, that our sovereign lord, and his successors, shall in
 future, during the vacation of a see, have power to present to
 benefices, till the bishop shew his bulls to the king’s highness
 and to the chapter. And in case that our sovereign lord, of
 his special grace and favour, admit any prelate to his tempo-
 ralities before he shew his bulls, such admission shall imply no
 prejudice nor harm to his highness, concerning the said privi-
 lege and right of presentation⁷.”

While even the penury of Scotland was taxed to pamper
 papal avarice, and luxury, the miseries of other kingdoms
 were extreme. On the enquiry into the causes of the poverty
 of France, instituted in the States General held at Tours in
 1484, though the *Tiers-Etat* chiefly consisted of clergy and
maistres, it was agreed that the chief cause was the avarice of
 the popes, Alexander and Martin, which had drained the
 kingdom of not less than two millions of gold: much of the
 coin had also passed to England, and none remained in France
 except foreign money. The bishoprics of France at that time
 amounting to one hundred and one, the abbies and conventual
 priories to more than three thousand, the effects of papal ex-
 tortion were very extensive; and it is ordered that no legate be
 be in future admitted to pillage the kingdom⁸.

It

⁷ Cap. 85. ⁸ Jaligny hist. de Charles VIII, Paris 1684, folio, p. 399
 —409. See in the same work, p. 598, a papal dispensation, mentioning the
 days

It is not a little remarkable that the papal dominions themselves, at a time when all the wealth of Europe was pouring into them, were almost a desert; a striking instance of the absurd and heterogeneous nature of ecclesiastic power in temporal affairs. The state of the church-lands in Scotland remains in obscurity; but while the clergy sometimes aspired to commerce, they do not appear to have advanced agriculture.

Ecclesiastic censures, and excommunication, beginning to be despised in the reign of James II, they were enforced by secular penalties⁹. In 1469 the power of appointing notaries in civil causes was assumed by the king, though the German emperor had before been understood to possess that prerogative. Yet the regal notaries are to be examined by the bishops; and the papal notaries retain their power¹.

The eloquence of the pulpit remained in a low condition. Some judgment of it may be formed from the latin oration of Whitlaw to Richard III, in which he quotes Virgil, Statius, Cicero, and Seneca; and among other arguments for peace says, "Christ was born in peace, was buried in peace, slept in peace, and rested in peace." Yet in England at that period Dr. Shaw, and Friar Pinke, were celebrated preachers at St. Paul's cross, in the popular idiom to a popular audience; and perhaps instituted the execrable example of political sermons, by promoting the sanguinary usurpation of Richard. In delineating the character of bishop Kennedy, Lindsay says "he caused all parsons and vicars, to remain at their parish churches,

days of each month, on which Anne duchess of Bourbon might obtain remission of all sins, committed by her, or by any ten persons whom she might name. No religious system ever perverted morality so much as the roman catholic; pardon for sins is ever a dangerous tenet; a better creed would prevent crimes by denying any celestial pardon.

⁹ 1443, c. 7. 1449, c. 11.

¹ 1469, c. 31.

1437— for instruction and edifying of their flocks, and caused them
 1488 to preach the word of God unto the people, and to visit them
 when they were sick. And also the said bishop visited every church within his diocese, four times in the year, and preached to the parishioners the word of God truly; and enquired of them if they were duly instructed in the word of God, by their parson and vicar, and if their sacraments were duly administered, and if the poor were sustained, and the youth educated and taught, conformably to the order that was taken in the church of God. And where he found that order was not followed he made great punishment, to the effect that God's glory might shine through all the country within his diocese; giving good example to all future archbishops, and churchmen in general, to cause the patrimony of the church of God be used for the glory of God, and the common benefit of the poor²."

The remainder of the character of this venerable prelate may well interest the reader, as a picture of ecclesiastic worth, drawn in simple and pleasing colours. "He was a man well learned in the civil laws, and of great experience in them; and by his genius, literature, knowledge, lengthened practice, and years, he knew the nature of Scotchmen so well, that he was the most able of all the lords of Scotland, spiritual or temporal, to give any wise counsel, or an answer when the time occurred, before the prince or the council; and specially in the time of parliament, or when the ambassadors of other countries came for their affairs, there was none so able as he to give them answer, conformably to their petition, and the desires of their masters. When any commotions occurred in

² P. 110, edit. 1778, 8vo. That sermons were common in the vulgar tongue before the reformation also appears from the *Diarium Vazstenense*, p. 150, where in 1489 the bishop of Lincopen "fecit sermonem ad populum in vulgari."

the realm, he shewed equal wisdom; for he gave counsel to 1437—
king James II, when he was ready to depart out of Scotland, 1488
for fear of the earl of Douglas who had gathered against him
to the number of forty thousand men, ready to give him
battle, or else to chase him out of the realm.” Lindsay adds
that the bishop led the king into his oratory; and after prayers
produced a sheaf of arrows, not to be broken when joined,
but easily fractured apart: from this demonstration of an Eso-
pian apologue he shewed that the power of the aristocracy must
be assailed by degrees³.

The state of the church may also be estimated from the old
poem before quoted⁴. One of the questions is, Why the pious
bishops, and clergy, of former times, exercised all good works,
and performed miracles; while no such practise or power, ap-
peared among their successors? The answer is, that anciently
the bishops were chosen by the people, after invocation of the
Holy Ghost, either from among the clergy of that chapter,
or by selecting from those of all the kingdom the person most
proper for that particular see: that now they are appointed by
the king, and introduced by the sole hand of power; so that they
can work no miracles, except by the special assistance of the
devil: that no man procures a benefice by merit, literature,
or even birth, but solely by gold, simony being accounted no
transgression: and the Holy Ghost having no hand in the elec-
tion, his precious gifts were in consequence not imparted;
while the regal inspiration could only confer the love of gold,
a gift of no miraculous nature: and the bishops being them-
selves shorn, they practised the shearing of their flocks with

³ Ibid. Lindsay is so fond of this story, that he has interpolated it into his
translation of Boyce's reign of James II, p. 82—84; and repeats it here at full
length.

⁴ Priests of Peebles, *ubi supra*, p. 16, 17.

1437— great assiduity and success; this being the genuine meaning of
 1488 the symbolic ecclesiastical tonsure.

While the bishops, and many abbots, were lords as having seats in parliament, the inferior clergy were distinguished by the titles of *Master* and *Sir*; the former perhaps appropriated to a Master of Arts, the latter to one who had passed all his degrees, or possessed a considerable benefice. When Mary of Gelder came to Scotland, Gerard Boot monk of the Chartreuse, her confessor attended her; on a voyage to Flanders he was taken by the English and robbed. In recompense Henry VI orders him a present of twenty yards of fine black cloth⁵.

Though the repeated internal commotions were unfavourable to the progress of literature, yet several writers arose during this period. Margaret the dauphiness, as has already appeared, was a poetess in French; and perhaps some of her ballads and rondeaux may lurk in the libraries of France. Holland, the author of the *Houlat*, wrote about 1450; Henry the Rimer, a strolling poet, repeated his fables concerning Wallace, about 1460 or 1470; and about the same period Clerk of Tranent seems to have composed his metrical romances on the adventures of Gawin, a knight of Arthur's court⁶. The riming prophecies, ascribed to Merlin, Beda, and others, were of English growth; but were adopted in Scotland with all the credulity of a dark period, and had even their influence on public measures, these books of the Sybil being consulted and repeated, in this and the following century, with great confidence in the application of the prediction⁷.

⁵ Rymer's Unprinted Papers, British Museum, No. 4610, art. 67.

⁶ For the poets in general see the various volumes of ancient Scottish poetry published by the author.

⁷ They are the best remains of the English poetry of the fifteenth century; and there is an excellent MS in the marquis of Lansdowne's library.

Holland and Clerk build their stanza in a singular manner; 1437—
and the alliteration, and frequent recurrence of the same rime, 1488
render their poetry affected and obscure.

In the middis of Maii, at morne as I went,
Throw mirth markit on mold, till a grene meid;
The blemis blywest of blee fro the fone blent,
That all brychnit about the bordouris on breid.
With alkin herbis off air, that war in erd lent,
The fieldis flowryschit, and fretful of fairheid.
So soft was the seasons our sovrane down sent,
Throw the greabill gift off his godheid,
That all was amiable ower the air, and the erd.
Thus throw the clifts so clere
Above, but fallow or fere,
I waikit till a riweir,
That ryallye rer'd^s.

Nor in the list of poets must the author of the Tales of the Priests of Peebles be forgotten, whose homely rimes reflect considerable light on the manners of the age.

The chief chronicler of this period was Bowar, the enlarger and continuator of Fordon's work. He wrote in the year 1444²; and Scottish history is indebted to his labour, though his deplorable defect of judgment render his work a mere chaos of materials, mingled with eccentric digressions, and excursive reading. Yet from these the state of learning in the country may be estimated. He quotes upwards of one hundred authors, and among them many latin classics; but former compilations no doubt supplied him with much of his erudition. The common use of paper rapidly increased the number of ma-

* Holland's Houlat, Scottish Poems Reprinted, III, 147.

* P. 490: in the 14th year of the age of James II, born in 1430.

1437—nuscripts: and the invention of printing was still more to serve
1488 the cause of science.

Bowar had unhappily no successor till John Mair wrote in 1521: and for the affairs of the fifteenth century we are indebted to the researches of Lindsay, Ferrerius, Lesley, and Buchanan, who do not indicate their sources of information. Yet apparently short chronicles were written, and preserved in the monasteries, till they perished in the violence of the reformation, or mouldered amid the neglect of literature, in the succeeding century of ecclesiastic dispute and fanaticism. In his last chapter Bowar says he desists from writing, lest he might seem to flatter the living actors; and he closes with the following advice. "It is properly ordered in most countries, and as I have heard in England, that every monastery of royal foundation should have its appropriated scribe, to narrate the more memorable events, that occur during each reign, in that and the neighbouring countries, according to strict truth, and chronology. On the death of a king, these chroniclers proceed to the first general council, and produce their labours; which are referred to the examination of the most sagacious and skillful, who from the whole digest one summary chronicle. The books are then returned to the libraries of the monasteries, as authentic chronicles deserving of faith, lest by the lapse of time the memory of events should perish in the kingdom. So would I advise our king to order, lest if the present work should be lost, which heaven forbid, the memory of popes, kings, peers, and illustrious men, should also perish; with the incitements to virtue, or the cautions against faults, which are afforded by the perusal of their actions'." This advice was unhappily not followed: and our monarchs, amid their pa-

* R. 516, 517.

tronage

tronage of the arts, seem little to have attended to the utility ^{1437—} and glory of national history. The monastic cellar was better ¹⁴⁸⁸ replenished than the library; and the jolly inhabitants preferred one terrestrial beauty to all the nine muses. In France, as has appeared in narrating the events of 1448, there was a chronicler at St. Denis, who inserted narratives upon the oaths of the relators: and indeed every historian ought to write as if he had made a solemn asseveration, in the presence of God and his country, that truth shall be his sole pursuit. The judicious Fortescue informs us that the chronicler of St. Albans wrote, at the end of every month, what had happened in its course: and that this work, which was called *Flores Chronicarum*, was of more authority than any in England².

In the other departments of science little appears. Sir Gilbert Hay, formerly chamberlain to Charles VII of France, in 1456 translated Bonet's *Arbre des Batailles*, a once popular book of arms and heraldry, into Scottish, at the request of William Sinclair earl of Orkney and chancellor³.

For the language of this epoch the appendix may be consulted, where several papers in Scottish will be found. In general there is little difference, in the speech of England or Scotland, between this and the following century; and the spelling is as little redundant.

² Declaration of Sir John Fortescue on certain writings sent from Scotland, against the title of Edward IV to the English crown. Ms. Harl. 1757.

³ Mackenzie's lives Sc. writers from the ms. in his possession.

SECTION VI.

Ornamental Arts, Manners, Drefs.

1437—
1488 } THE Gothic architecture had now attained its greatest perfection, in sublimity, richness, and variety. About 1444 William Sinclair, the celebrated earl of Orkney, founded a collegiate church at Roslin, four miles from Edinburgh, for a provost, six prebendaries, and two singing boys⁴. A chapel, which remains entire, is a gem of Gothic architecture, universally known and admired.

James III was so fond of this art that Cochran, an architect, became his chief favourite. Besides the great hall in the castle of Stirling, he founded the royal chapel there, an institution of great magnificence for that age⁵. The dean was to be the queen's confessor, and to have episcopal jurisdiction: this dignity was first annexed to the provostry of Kirkheugh near St. Andrew's, another royal chapel; and afterwards to the bishopric of Galloway. There were besides a sub-dean, sacristan, chanter, treasurer, chancellor, arch-deacon, sixteen chaplains, and six singing boys, with a master of music. The endowments consisted of two abbeys, numerous churches, and lands. James IV was to maintain and enlarge the institution; and to procure the papal confirmation⁶. The architecture,

⁴ Bowar, 541, says it was building when he wrote, 1444. Crawf. Off. 34, dates the foundation 1441. And see Spottiswoode, Rel. Houses, p. 288. If the remaining chapel be the chief fabric, it can hardly be called a collegiate church. ⁵ Lindsay, &c. ⁶ Spottiswoode, ib.

and decorations, apparently corresponded with the greatness of the revenue annexed, and with the royal favour and piety. 1437—
1488

In the year 1458 bishop Kennedy founded St. Salvator's college in St. Andrew's: and erected a magnificent tomb for himself in which he was interred in 1466⁷. This tomb is a favourable specimen of the state of the arts at that period. But a Turkish custom, of a plain stone, with a large hole or two to collect rain-water, that the birds may find drink, breathes more of christian humility and charity.

The large golden medal of James III, appended to the shrine of St. John at Amiens, and minutely described by Du Cange, was probably the production of an Italian or Flemish artist. That some eminent foreign painter had also visited Scotland about 1482, appears from the celebrated picture at Kensington, in the form of a folding altar piece, painted on both sides, or in four compartments. The first represents the king kneeling; behind him is his son, a youth about twelve years of age, which ascertains the date; and St. Andrew the patron saint of Scotland. The royal crown is not arched, nor was apparently till the reign of James V, when new regalia were ordered, but it has high fleurons of great richness; the robe is of a lilac hue furred with ermine; the vest, cloth of gold. In the second compartment the queen appears, also kneeling, in a kirtle of cloth of gold, and blue robe; her head-dress one blaze of gold and jewels: the arms depicted with exact heraldry indicate the daughter of Denmark; and behind her is a personage in plate-armour, apparently her father in the character of St. Canute, the patron of his kingdom.

Of the two compartments, on the reverse of this grand piece, one represents the Trinity. In the other an ecclesiastic

⁷ Ibid.

kneels;

1437—kneels; but his heraldry of three buckles and a cheveron can
 1488 hardly be traced, except to the obscure family of Bonkil in
 the Merse^s. Behind is a kind of organ, with two angels, not
 of ideal beauty, and perhaps portraits of the king's two sisters,
 Mary lady Hamilton, and Margaret then unmarried; a con-
 jecture supported by the uncommon ornament of a coronet on
 the head of one of the angels. Hardly can any kingdom in
 Europe boast of a more noble family picture of this early
 epoch: and it is in itself a convincing specimen of the atten-
 tion of James III to the arts⁹.

In

⁸ It may be Sir William Rogers, or some other eminent foreigner.

⁹ The style of painting, as usual in such early pieces, is that of the miniatures in manuscripts enlarged, originally the productions of monks and nuns. In that curious work the *Diarium Vazstenense*, published by Benzelius at Upsal 1721, 4to, being a minute chronicle of events happening at Wadstena, on the Wetter lake, in a convent of monks and nuns united, a privilege peculiar to frigid regions, the following notices occur, concerning the arts nourished by the monasteries.

“ 1477. Dominica infra octavas b. Martini, obiit soror Botildis Pædhers dotter, quæ fuit bona scriptrix, et scripsit magna volumina, missalia et alia.”

“ 1487. In tertia dominica post octavas epiphaniæ Domini, Dn. Henricus episc. Lincopensis consecravit unam virginem in sororem, nomine Christinam Henriksdotter, natam Upsaliæ, et unum fratrem laicum, nomine Gerardum, natione Theotonicum, qui novit sculperet et depingere.”

“ 1491. In die S. S. Cosmæ et Damiani transibant fratres Petrus Ingemari sacerdos, et Gerardus laicus, versus Lubeck, ad faciendum imprimi libros cœlestes Revelationum S. Birgittæ. Et post annum evolutum, impressis et perfectis octingentis voluminibus in papyro, et sedecim duntaxat in pergameno, redierunt in monasterium suum, anno Dn. 1492, circa festum S. Katharinæ virginis et martyris.”

“ 1520. In crastino S. Gregorii obiit soror Christina Hansladotter Braska, anno a sua professione lxvii. Hæc fuit bona scriptrix, et scripserat plurimos libros. Deo gratias.”

The unicorns, or gold coins, of James III are of good artists for the time. For the seals of this and preceding periods may be consulted the work of Mr.

Astle

In describing the character of that prince, Ferrerius mentions that he not only loved literature, and invited John Ireland a celebrated Scottish doctor of the Sorbonne into his kingdom, and rewarded his talents with a rich benefice; but extended his patronage to music in particular. William Roger, an excellent English musician, having attended the ambassadors of Edward IV into Scotland in 1474, James was delighted with his performances; and persuading him to remain in his court, raised him to knighthood. "Under the instruction of this man, the most celebrated of his profession, numerous eminent musicians arose in the court of Scotland: and, even so late as 1529, many great musicians boasted that they were of his school".

Holland, in his poem of the Houlat or owl, apparently a satire on James II, by a partizan of the house of Douglas, mentions no less than twenty five kinds of musical instruments.

In proceeding to consider the state of Manners, the military exercises attract the first notice. To promote the practice of archery, the games of foot-ball, and the golf, continued under strong prohibition. Yet the highlanders appear to have been the chief archers in the ancient Scottish armies, while the lowlanders preferred the spear. In describing the army of James III, in 1488, Lindsay enumerates no less than ten thousand highlanders with bows, under the earls of Huntley and Athole³. Repeated statutes were ineffectual to introduce

Astle on the subject; and the drawings, preserved in some ms. collections by Sir James Balfour, in the Harleian library. The seals of the middle ages in general are well illustrated by Manni, *Osservazioni Istoriche sopra i Sigilli*, Florence 1739—1744, 6 vols. 4to. ¹ f. 391.

² Scottish Poems, 1792, Vol. III, p. 179.

³ The author of the Present State of Scotland, 1682, mentions, p. 6, bows and arrows as the chief weapons of the highlanders, even of that period.

1437—archery in the lowlands. One of the most precise is that of
 1488 James II, in his noted parliament of 1458. “It is decreed
 and ordained that the displays of weapons be held by the lords
 and barons, spiritual and temporal, four times in the year:
 and that the foot-ball and golf be utterly cried down, and not
 to be used. That the bow-marks be made, a pair of butts at
 every parish church, and shooting be practised. That every
 man shoot six shots at the least; and that two pence be levied
 upon the absent, for drink to the shooters. The practice to
 last from Easter till All-saints; and all to be ready by next
 midsummer. That there be a bowyer, and fletcher, in every
 chief town of a shire; the town to furnish them with the ne-
 cessary materials to serve the country. The penalty on foot-
 ball and golf, a fine to the baron; and if he neglect, the king’s
 officers shall levy it. If the parish be large, there shall be
 three, four, or five bow-marks, in the most convenient places;
 and that all men exceeding twelve and under fifty years of age
 practise archery *.”

Among the great the chief exercise of arms was the solemn
 tournament, which might almost be classed under the head of
 Tactics, did that science comprize the preparations for war.
 These grand displays of martial skill were seldom undertaken by
 any, save those who had been solemnly invested with the order
 of knighthood, an institution forming a kind of fraternal society
 throughout Europe, and which contributed not a little to divest
 war of its horrors, to abate national animosity, and to pro-
 mote the intercourse and consequent civilization of remote
 kingdoms.

Knights were generally created with great solemnity by the
 king himself; sometimes by the general, or other aged knights

* Cap. 64.

of eminent fame before a battle. The ancient oath administered in Scotland has been preserved, and deserves insertion, as a curious relique of the spirit of chivalry. 1437—
1488

1. “ I shall fortify and defend the christian religion, to the uttermost of my power.

2. “ I shall be loyal and true to my sovereign lord the king; to all orders of chivalry, and to the noble office of arms.

3. “ I shall fortify and defend justice at my power; and that without favour or enmity.

4. “ I shall never flee from my sovereign lord the king; nor from his lieutenants, in time of affray or battle.

5. “ I shall defend my native realm from all aliens and strangers.

6. “ I shall defend the just action and quarrel of all ladies of honour, of all true and friendless widows, of orphans, and of maidens of good fame.

7. “ I shall do diligence, wheresoever I hear that there are any murderers, traitors, or masterful robbers, who oppress the king's lieges, and poor people, to bring them to the law at my power.

8. “ I shall maintain and uphold the noble state of chivalry, with horse, armour, and other knightly habiliments; and shall help and succour those of the same order, at my power, if they have need.

9. “ I shall enquire and seek, to have the knowledge and understanding of all the articles, and points, contained in the books of chivalry.

“ All these premises to observe, keep, and fulfill, I oblige me; so help me God by my own hand, and by God himself.”

The

^s From a book intituled “ Certain matters composed together,” Edin. 1594, 4to, being a kind of Scottish court calendar. The oath occurs sign. F. 2, v.

1437— The Scotish knights continued to vye with any in Europe.

1488 } The celebrated tourney of 1449 has already been briefly mentioned in the historical narrative, but a minute account of that noted contest shall here be translated, as literally as possible, from the Memoirs of Olivier de la Marche, a contemporary Burgundian writer; as a picture of manners, delineated in plain and simple colours⁶.

“ When Messire Jaques de Lalain saw that there was no further occasion for him there, he returned, and found the good duke of Burgundy in his city of Lille, who received him favourably: but he soon took leave of the duke, and set out for Scotland. He was accompanied by Messire Simon de Lalain his uncle, and Hervé de Meriadet, and many other worthy men; and so far as I understand Messire James Douglas, brother of the earl of Douglas, and the said Messire Jaques de Lalain, had formerly wished to meet in arms, and had fought each other for that purpose. At the instance of the said Messire James Douglas battle was permitted by the king, between him and M. Jaques de Lalain: but the affair grew and multiplied so that a conflict *to outrance* was concluded on, of three noble Scotchmen, against M. Simon and M. Jaques de Lalain, and Hervé de Meriadet, all to fight at once before the king of Scotland. And when the day of the conflict came, the king most honourably received them in the lists: and though I was not myself a spectator, yet I must recount the

whence it is copied in Selden's Titles of Honour, and Drummond's works. There are however modern interpolations, here omitted, as art. 1, “ and Christes holy evangel, presently preached in this realm,” an addition by the reformers: art. 4, “ the king's *majestie*.”

⁶ Liv. I. c. 17; p. 271—274, edit. Gand 1566, 4to. Meriadet was a squire of Bretagne, ib. p. 265. Jaques de Lalain was at length killed by a cannon-shot in 1453, p. 394: the church and mansion of Lalain were in Hainault, a noted country of warriors.

ceremonies,

ceremonies, for example to future times. For three memo-^{1437—}
 rable things occur, besides the battle, which was most fiercely ¹⁴⁸⁸
 disputed on both sides.”

“ The first was, that when the three belonging to the court of Burgundy were all armed, and each his *coat of arms* on his back, ready to enter into battle, M. Jaques de Lalain spoke to M. Simon his uncle, and to Meriadet, and said, “ Messieurs and my brothers in the conflict, you know that it is my enterprize which has led us into this kingdom, and that in consequence the battle has been granted to M. James Douglas ; and although each of us may assist his comrade, I beg and request you that, whatever befall me this day, none of you attempt to succour me, for it would seem that you had passed the sea, and entered into this conflict only to assist me ; and that you did not hold or know me a man able to sustain the assault and combat of one knight, and hence less account will be held of me and my knighthood.”

“ After this request sallied from the pavilions the champions in armour, furnished with axes, lances, swords, daggers ; and they had leave either to throw or push their lances as they chose.”

“ The two Messires James Douglas and Jaques de Lalain were in the middle, to encounter each other, which they did. On the right was M. Simon de Lalain, who was to engage a Scottish squire, and Meriadet was to meet a knight of high power and fame ; but they found themselves transverse, so that the knight was opposite to M. Simon : and then Meriadet, (who desired to assail him who was appointed, without regard to the strength or fame of his antagonist,) passed across, to place himself before M. Simon, and meet his man. But the good knight coldly and firmly turned towards Meriadet, and said, “ Brother let each keep himself to his opponent ; and I
 shall

1437— shall do well if it please God." So Meriadet resumed his rank
 1488 before his antagonist: and this is the second thing which I
 desired to commemorate."

"The champions began to advance each against the other; and because that the three on the part of Burgundy doubted least the place might be too confined, for so many lances, they all three threw their lances behind them, (the third cause of my recital;) and seized their axes, and rushed on the Scots, who came within push of lance, but that availed them nothing. Though all fought at once, I shall rehearse the adventures one after the other."

"The two Messires James, Douglas and de Lalain, met each other, and approached so nigh, that of all their weapons there remained none save a dagger, which the Scottish knight held. The said M. Jaques de Lalain seized him by the arm, near his hand which held the dagger, so closely, that the Scot could not avail himself of it; and he held the other arm below the arm-pit so that they turned each other round the lifts for a long time."

"M. Simon de Lalain and the Scottish knight were strong champions, and neither of them skilled in warding blows of the axe: like two valiant knights they attacked each other so often, that in a short time they had crushed the visors of their basinets, and their weapons and armour, with mutual blows; and the fight seemed equal."

"On the other side was Hervé de Meriadet, whom the Scottishman attacked with the push of lance; but Meriadet turned off the blow with the but end of his axe, so that the lance fell from the Scot's hands: and Meriadet pursued him so keenly that, before the Scot could undo his axe, he came within his guard, and with one blow felled him to the earth. Meriadet then left the Scot to arise, who was quick, light, and

and of great spirit, and arose speedily, and ran to Meriadet for ^{1437—} the second time. Meriadet, (who was one of the most re- ¹⁴⁸⁸ doubted squires of his time for strength, lightness, coolness and skill in arms and in wrestling,) received the assault with great composure, then returned it, and again struck him to the ground with his axe; when the Scot again attempted to rise, but Meriadet struck him on the back with his hand and knee, and made him fall flat on the sand. And notwithstanding the request which Messire Jaques de Lalain had made, the said Meriadet, seeing the struggle of the two knights, advanced to assist the said Jaques; but the king of Scots threw down his baton, and they were parted. Now though it be against my plan, and though I write of this combat without having seen it, I nevertheless report it truly, by the report of the Scots and of our party."

Such is this curious contemporary relation. Other valuable materials concerning the manners of this period, may be found in the annals of De Coucy, another Burgundian coeval historian, who probably attended Mary of Gelder to Scotland in 1449, as before mentioned. On her landing, the clergy, citizens, and people of Leith, were ready to receive her; and she thence proceeded on horseback, behind the lord of Vere, to Edinburgh, where about ten thousand people advanced to meet her. A bishop, and the chancellor, conducted her to the monastery of the Jacobins, or Gray Friars. After the king's first visit on thursday, the countesses of Orkney, and March, and another, attended on her by the royal command. When she had sufficiently refreshed herself from the fatigues of the voyage, James, on the following wednesday, sent to appoint the next day for the wedding; and presented her with two hackneys worth about thirty French crowns. On thursday, the wedding-day, the king came on horseback, and was dressed

1437—dressed in a grey robe lined with white cloth, boots and spurs.

1488 The queen was clothed with a robe of violet colour, lined with ermine; in a strange fashion, says De Coucy, if compared with those of France; and her long hair hanging down. The coronation of the queen immediately followed the marriage⁷. From some of the preceding circumstances it would rather appear that James II was austere in manners, and expence; and reversed his father's magnificence, which was unpopular in a penurious country, and was imputed to an English education.

At the festival, which followed the solemnity, the first dish was the figure of a boar's head painted, and stuck full of *hards*, or coarse bits of flax, which was served up in an enormous platter, surrounded with thirty two banners, bearing the arms of the king and chief nobles. The flax was then kindled, amid the joy and acclamations of the numerous and brilliant assembly in the hall. A ship of silver, exquisitely wrought, was then introduced, probably containing salt and spices in distinct compartments. The earl of Orkney then entered, accompanied by four knights, preceding the first service: and every service was brought by about thirty or forty persons all bearing dishes. At the second table the countess of Orkney, and other ladies, sat with the lord of Vere. At a third was a *patriarch*, says De Coucy, perhaps a papal legate, or foreign visitant, or some Scottishman enjoying a titular dignity; three bishops, an abbot, and other churchmen; the five dignitaries drinking out of a large *hanap*, or bowl of wood, without spilling any: the wine, and other liquors, being as abundant as sea-water. The dinner continued about five hours, there

⁷ Hist. par De Coucy in the edition of Jean Chartier, Paris 1661, folio, p. 574—578.

being

being neither dancing nor supper. On the following days 1437—
 there was excellent cheer in their way, proceeds this author, 1488
 which was very rude and strange, when compared with that
 of France. In five or six days Vere set out on his return;
 and the king made *some* presents. The queen weeped at their
 departure, though Isabel de Lalain, and two or three other
 women, and as many men of her country, were left to serve
 her⁸.

In the reign of James III, the author of the old poem before
 quoted represents his three priests as enjoying their collation at
 Peebles, consisting of three roasted capons with sauce, and
 many other meats; and imputes to their desire of privacy that
 they had only a boy to serve them. A *roundel* or round table,
 covered with a fair cloth, stands before them; and neither
 bread nor liquor are wanting. Taverns, and dice, are repro-
 bated; and a merchant's cupboard of plate is estimated at three
 thousand Scottish pounds, or about seven thousand five hundred
 of modern sterling currency⁹.

The advances of luxury among the aristocracy, and clergy,
 may also be estimated by that of concomitant crimes. The
 two statutes of 1450, against domestic and foreign importers
 of poisons, shew that profligacy had made more rapid strides
 than civilization. Another sort of poison, bad wine, was in-
 terdicted by a statute of 1482, declaring the penalty of death
 to any importer, seller, or composer of corrupted or mixed
 liquor¹.

⁸ Ibid.

⁹ P. 3, 11, 10. Besides plate, *mazer* cups are mentioned by the Scottish
 poets. This substance, corresponding with the French *madre*, appears to be
 china, or earthen ware, painted like the old vases ridiculously ascribed to
 Raphael.

¹ 1450, c. 30, 31. 1482, c. 89.

1437— Game and hunting were luxuries of the great. In 1458 it
 1488 is ordered that none destroy the nests or eggs, or fowls them-
 selves when moulting; nor kill hares or rabbits in the season
 of snow, on pain of indictment. A penalty of ten pounds is
 in 1474, imposed on stealers of hounds or hawks, trained or
 untrained; or even taking eggs, or young hawks, out of nests
 in another person's property: that for robbing the nests of
 partridges or wild ducks is forty shillings. The slaughter of
 does, roes, or deer, in time of snow, or their young under a
 year's growth, is punished by indictment, and a fine of ten
 pounds: and the stealing of deer or roes from inclosures or
 parks, rabbits, pigeons, or fish in ponds or ditches, is made
 liable to the same punishment as any other act of theft².

To diversify the prolixity of a life of idleness, and relieve
 the formalities of ceremony, were objects attempted by the
 maintenance of a regular fool, who however had generally
 sense enough to respect his master. He was distinguished by
 his party coloured coat, his cap with large ears and bells, and
 his club or bauble, ornamented with grotesque allusions to his
 profession. The minstrels and choristers were musicians, so
 termed because in the middle ages church music was the only
 branch of the art which was regularly cultivated. But Lind-
 say mentions that a part of the choristers of the chapel-royal at
 Stirling always attended James III, "to make him merry";³
 and it appears that the ecclesiastic musicians did not disdain
 strains of recreation. In Holland's poem the minstrels are
 solely occupied in singing hymns, accompanied with numerous
 musical instruments⁴. The poets, composers of songs and
 romances, were generally of the clerical order: the term of

² 1458, c. 84. 1474, c. 60, 61.

³ P. 136.

⁴ Scottish Poems, 1792, III, 177.

minstrel was afterwards applied to any musician, but the only 1437—
 strolling poets were the Irish or highland bards, whose rude 1488
 manners are depicted by Holland, and who are classed in the
 statutes with common vagabonds: while James III so highly
 favoured minstrels, or musicians, that he permitted them to
 equal knights or heralds in their apparel. Holland's Irish
 bard sings a wild song, and fabulous genealogy, in his native
 language: and afterwards fights with two fools, his proper
 equals and companions ⁵.

The character of RIMER, or poet, was as superior to that
 of minstrel, as the *jugler* was beneath it. In Holland's curi-
 ous production the *juglour* merely exhibits feats of manual
 magic; a view of hunting is followed by a sea-fight: the
 king's cup is suddenly changed; a grey goose becomes a gold
 garland, sand becomes silver; and the like experiments of
 common adepts ⁶.

Yet the belief in real magic, and witchcraft, was now pre-
 valent both in England and Scotland. The duchess of Glo-
 cester had been imprisoned as a witch ⁷: and about thirty years
 after we find many witches and magicians condemned to the
 flames in Scotland, for conspiring with Mar against the king's
 life. This new folly was to vegetate, and flourish, for near
 three centuries.

The manners of the great may be further illustrated from
 the Tales of the Priests of Peebles. One question is, why the
 peers have so much degenerated from their ancestors in vir-
 tue, wisdom, and valour? The answer is, that the royal offi-
 cers of justice diminish the privileges of the lords, by indicting

⁵ Ibid. 180, 181.

⁶ Ib. 179. The vague appellations, and corrupt latinity, of the middle ages
 confound remote characters, as the minstrel and jugler, &c.

⁷ In 1442: and see many writs in Rymer *De fortilegis capiendis*.

1437— and fining their tenants for pretended crimes ; so that the latter
 1488 } are reduced to poverty, and unable to arm themselves properly
 to attend their masters in war, or to pay their rents in peace.
 The peers in consequence become poor themselves, and endeavour to replenish their coffers by unworthy marriages with the opulent bastard-daughters of priests, or heiresses of merchants ; or by selling the right of marriage of their sons to rich commoners⁸. But this satire rather refers to the artful avarice of James III ; and seems to evince that a great cause of the conspiracy of the peers was their impoverishment, occasioned by his exactions on pretence of the administration of justice ; which, as appears from the statutes themselves, was never in a worse state than under his reign.

The Dress of this period may best be illustrated from several statutes on the subject. The following is of August 1455⁹.

“ Concerning the habits of the Earls, Lords of Parliament, Commissioners of Burghs, and Advocates, to be used in the parliament or general council, it is ordained,

“ That all Earls shall use mantles of brown *granit* (or fine cloth,) open before, lined with white furr, and trimmed in front with the same furring, of a hand's breadth and down to the belt ; with little hoods of the same cloth, pendent on the shoulders.

“ And the other Lords of Parliament shall have a mantle of red, open in like manner before, lined with silk, or furred with *cristie gray*, *griee*, or *purray*, (some furs inferior to the ermine worn by earls ;) with a hood of the same cloth, furred as the lining.

“ And all Commissioners of Burghs each to have a pair of clokes (a cloke) of blue cloth, furred to the feet, open on the

⁸ Ut supra, p. 12, 13.

⁹ Cap. 47.

right shoulder; the fur of proportional value; and a hood of the same. 1437—
1488

“ Whatever Earl, Lord of Parliament, or Commissioner of the Burghs, shall enter the parliament or general council, except dressed as above, shall instantly deposit a fine of ten pounds to the king.

“ In every burgh, where a parliament or general council is to be held, there shall be erected at the bar three tiers of benches, each higher than the other, for the commissioners of the burghs to sit upon; under the penalty of ten pounds to be raised on the town where the parliament or general council shall be held.

“ All men hired as fore-speakers (or advocates) shall wear green habits, in the form of a short tunic, (*tunikil*) the sleeves to be open like those of a tabard. Any advocate otherwise appearing before the parliament or general council, and speaking for a reward, shall forfeit five pounds to the king.”

The curiosity of this statute may excuse a few remarks. The brown *granit*, worn by the earls, was perhaps a tawny fine cloth, a colour fashionable in this century, till it was supplanted by a brighter tint *scarlet*; a term corresponding to *granit*, and applied by metonymy to the fineness of the cloth or to its colour. The common people, as has been already mentioned, were allowed to wear on holidays light blue, green, or red; tartan being as yet little known or confined to the great: but the finest cloths appear to have been generally dyed tawny or scarlet; while purple and crimson were tints almost confined to velvets, and silks, and appropriated to princes. May it not be inferred, from the particular order for seats to the commissioners of the burghs, either within or without the bar, for the expression is dubious, that they were sometimes obliged to stand in the presence of the haughty clergy and aristocracy?

In

1437— In 1458 this act was confirmed; with the addition that the
 1488 king should order patterns of all the dresses to be made¹. The
 } sumptuary law of the same year has already been stated in the
 first section of this retrospect: it permits the dignified or rich
 clergy to wear gowns of scarlet with costly furs.

James III in 1471 ordered that, considering the great penury of the realm, and the expence of importing silk, none should wear it in doublets, gowns, or clokes, whose revenue was under one hundred pounds Scotch money in landed rent, excepting knights, minstrels, and heralds: and that women, whose husbands came not within the above descriptions, should not use silk in linings, but only in making the collar and sleeves². The dress of this prince, and his queen, has been already described.

The gowns and mantles were sometimes indecently short at this period, as appears from a penalty imposed by an English statute of the twenty-second year of Edward IV. The doublet and hose were long to remain in the same form: but shoes, more than six inches broad at the toes, began to succeed the other extreme of long peaks. Louis XI of France, 1461—1483, appears in those broad shoes³.

On the 24th of June 1470 occurs a charter of the lands of Kilmarnock, and others, forfeited by lord Boyd, to Margaret of Denmark, the queen, during her life, “for her robes, and to supply her with the ornaments of her head-dress⁴.” Other minute particulars may be traced in the treasurer’s account for 1474, reprinted in the appendix. James Homel the king’s taylor, and a favourite afterwards executed at Lauder bridge, has four elms of French black to make a long gown for the

¹ Cap. 68.

² Cap. 46.

³ See Camden’s Remains, art. Apparel: and Montfaucon Mon: de la mon. Fr.

⁴ Scott. Cal.

king,

king, which is lined with fustian. Hose of white cloth; 1437—
 shirts of fine holland; chamlet gowns, lined with lamb-skin; 1488
 socks of white cloth; doublets and hose, lined with broad-
 cloth; a pair of spurs valued at four shillings; two elns of
 velvet to make two tippets, and furs to line them; a long
 mantle of velvet; a bonnet at fifteen shillings; and two
 hats at ten shillings each; a fatin jacket lined with lamb-
 skin; grey cloth for *long socks*; black fatin to cover a prayer-
 book; velvet for a *chesabel* to his closet, and for his *brigin-*
tynis; knobs of gold for his saddle; a *chymna* or grate for his
 closet; ribbons for his doublet and sleeves; pillows covered
 with broad-cloth; drugs from Flanders; an eln of scarlet for
 his petticoat; a gown of cloth of gold, lined with fatin, pre-
 sented to an English herald who attended the embassy; gloves,
muchis or caps; are among the articles provided for the king.

For the queen are pattens and corks; livery gowns lined
 with grey for six ladies of her chamber on a pilgrimage to
 Whithern; fatin for her *turrats*; black cloth for a *sliding*
 gown; velvet for another gown; leathern gloves; a cloke
 and *capite bern* of black, lined with Scottish cloth; eight elns
 of broad cloth to cover a bathing vat, and three for a sheet to
 put around her while bathing; hose of black cloth; seven elns
 of crimson fatin for a kirtle, and to cover bonnets *of tire*;
 a grate for her closet; *band-leather* for furring her gloves;
 five elns of *cristy gray*, at thirty shillings the eln, to line a
 gown of black damask; blue velvet to cover her stirrup-irons;
 half an eln of *double tartan* to line her riding collars; fatin
 for tippets and collars; seven pounds for more than a year's
 shoes; fatin for stomachers, and ermine to line them; twenty-
 six *bestes of grece* to line a tippet; ten pounds thirteen shillings
 and four pence "for a mass-book to her altar, at her command,
 by captain John Cat," who probably brought it from Flanders.

The

1437— The chief articles for the prince, then a babe of two years,
 1488 are shirts and caps of holland cloth; coats of brown lined with
 white cloth, and some of the latter for his cradle; fine broad
 cloth for his sheets, or rather blankets; white hose and petti-
 coats, and lawn caps; French brown cloth, and tartan with
 buckram binding for his cradle; English ruffet for a gown to
 his nurse; white fustian for blankets, and broad cloth for
 sheets; a coat of fatin, and a gown of cloth of gold, lined
 with blue tartan.

These minute particulars will be excused, as they contribute
 more to illustrate the state of manners, and dress, than the
 most elaborate disquisition.

APPENDIX.

APPENDIX.

N° I. *Letter from the Earl of Douglas and Mar to Richard II. probably in 1377.* Cotton Library, Vesp. F. VII, f. 34.

TRES noble et peussant prince, Jeo monstre par voi de compleinte a vous, Seigneur, et a votre bonne Consaile, par cestes mes lettres, comment que John Mercer mon homme ore ad estee par grant temps tribuleez, et annoieez torcenousement, deinz votre roialme, contre la vertue de noz grantz trews, comunement tailliez et accordez perentre les roialms : parla ou ile rienz ne mespristes, mes que ile es ses loials marchandises retournant en sa payse, par force de meer et tempeste feut dejettuz au terre, et arrestez par vos subgitz; et uncore par le Conte de Northumbreland detenuz en prison. Au quoi, tres noble prince, vous pleas avoir regarde et consideration; et par voz lettres au dit Conte faire commander expressement, que le dit John mon homme soit delivrez franchement, sanz lui plus travailler et ryot faire. Kar au profcheine joer de marche, si ceo vous pourra pleer, ile sera present, pour y demonstrer devant voz deputeez, que ile ny ad rien trespassee ne mesprise en celle part, si Dieu pleast. Oultre ceo, tres noble prince, touchantz meistre Thomas Mercer, mon clerk, pour qui jeo escriva au votre noblesse devant celle temps, et monstre... lement a vous, Seigneur, et a votre dit consaile, les damages, costages, et perdes, qile ad sustenue et fait durant sa arreste forpris; sez tribulations, annoys, et tortz, qui amontent au deux centz marcs de sterl. et oultre; des queux vous please luy faire avoir redresse et restorance en due maniere; ou aultrement celui, ou ceux, qui luy arresteint, commander pour comparer personnellement au dite joer de marche, pour le charge foubtzaler devant voz deputeez fustditz, ou le dit mon clerk sera prest pour respondre et receiver semblable maniere, selonc les usages des joers des marches, par voi de reson, si Dieu pleast. Tres noble prince, ceo qui vous pleira de commander, pour estre fait cellendroit, me deignetz lessier savoir par vos lettres, oe le portour du cestes. Que luy toute peussant Dieu, par sa tressantisme grace, votre noblesce veuille demesner au vie perdurable. Esc. le xvime joer de Novembre *.

Le Conte de Douglas et de Marre.

(*Directed,* Au trefnoble et peussant prince le roy d'Engleterre.)

* 7 Rich. II, a note of Sir Robert Cotton.

N^o II. *Extracts from the Chamberlain's Roll, anno 1377.*
Register Office, Edinburgh.

Note. Part of it is considerably decayed.

COMPOTUM Johannis Lyoune Domini de Glamys, Cam. Scocie, reddit. apud Dundee, xviii die Marci, Anno Dni millmo, ccc, Septuag. Septimo, de omnibus receptis suis, et expensis, pro officio Cam. in Cama Regis, a tempore introitus sui in dicto Officio, viz. a vicesimo die Octobris, Anno Dni Millimo ccc^{mo} lxx^{mo} vii^{mo} usque in diem hujus Compoti.

Idem onerat se in primis de xiii li. vi s. viii d. rec. a vic. de Kyn-cardyne.

Summa patet.

Item, Idem onerat se de iii s. viii d. rec. a Ball. de Edynburgh. Et de xlvi s. iii d. rec. a Ball. de Ruglen. Et de viii li. xv s. x d. receptis a Ball. de Innerkethyne. Et de iii li. v s. vi d. receptis a Ball. de Dunbret. Et de xxii s. viii d. rec. a Ball. de Monros. Et de viii lib. xv s. vi d. ob. receptis a Ball. de Abden. Et de xiiii li. ii s. viii d. receptis a Ball. de Innernyfs. Et de xx li. recept. a Ball. de Haddington. Et de iii li. iii s. viii d. receptis per Ball. de Forfar.

Summa hujus Recept. lxi li. xvi s. x d. ob.

Item, Idem onerat se de cc li. recept per Custumar. de Lythco. Et de xiiii li. xix s. ii d. ob. receptis per eisdem Custumar. Et de cc l. li. rec. per Custumar. de Edynburgh. Et de clxviii li. xiii s. iii d. recept. per Andrean Bet, depōtorem dicte Custume. Et de ccxxiii li. xvi s. rec. per Custumar. de Hadyngton. Et de clxxi li. xvii s. xi d. receptis per Custumar. de North Berwyk. Et de xxxvi li. xiii s. ix d. recept. per Custumar. de Dunbar. Et de xvii li. vi s. viii d. per Alexrum de Cokburn, depōit. de Hadyngton et de Dunbar. Et de iii li. iii s. iii d. recept. per Custumar. de Stryvelyne. Et de c. iii xx, xii li. iii s. ob. recept. per Custumar. de Monros. Et de xxviii li. xi s. vi d. ob. rec. per Custumar. Sancti Andree. Et de xiii li. x s. ii d. ob. receptis per Custumar. de Dundee. Et de lxxvii li. vi s. viii d. receptis per Patricium de Innerpefyr, depōit. dicte Custume de Dundee. Et de ccc xxxix li. x s. vi d. ob. recept. per Custumar. de Abden. Et de cc lxi li. iii s. vii d. recept. per Willm de Leth, Depōitor.

pōitor. de Abden. Et de lvii li. vi f. viii d. receptis per Custumar. de Innernyfs.

Summa hujus Recepti M. M. xxxvii li. ii f. v d. ob.

Item, idem onerat se de xiii li. vi f. viii d. recept. per David de Foulertoun a una Eschaet.

Summa patet.

Et ii li. hic per exitus Curie Compot. quod non fuerunt tent. Itinera Cam. post decessum Dni Walteri de Byggar nuper Cam. prout in Septem Burg. que nuper tenuit Computans, de quibus non potuit levare exitus ante diem hujus Compoti, propter temporis brevitatem.

Summa totalis hujus Onerationis M. M. C. xxv li. xii f. viii d.

Expenf. ejusdem. In primis Compotat in liberac. fact. Dno. nro. Regi, ad proprios usus suos, ut patet per quatuor pecia literarum, sub Signeto Anuli, iii c xxxii li. xv f. iii d. Et in liberac. fact. Dne Regine, in parte Solucionis summe sibi assignate, ut patet per tria pecia literarum ipsius Dne Regine, de receptis ejusdem super Compotum, c l li. xv f. ii d. Et Compotat. in liberac. fact. Johi. de Dispensis, Clerico liberac. Domus Dni nostri Regis, ad expens. ejusdem Domus, ut patet per quindecim pecia literarum ipsius Clerici, de recept. ejusdem super Compotum, et per duas lras dni Alani de Largis, clerici liberac. ejusdem, super Compotum, c xxix li. iii f. x d. ob. de quibus responderunt. Et eidem Johi de Dispens. clerico liberacionis ad expens. ejusdem Domus, ut patet per tria pecia * literarum ipsius Clerici, de recept. ejusd. super Compotum, ix li. ix f. vi d. de quibus respondebit. Et dno Alano de Largys, tunc Clerico liberac. Domus Dni. nostri Regis, ad expens. ejusdem Domus, ut patet per quinque pecia lrum ipsius Clerici de recept. ejusd. super Compotum, xv li. ix f. de quibus reñdit. Et in liberac. factis Dno David Bell, Clerico Gardrob, pro diversis receptis in dictam Gardrob, ut patet per tria pecia literarum ipsius Dni David de receptis ejusdem super Compotum, liiii f. x d. super quibus reñdebit. Et in liberat. factis Dno nostro Regi, ad proprios usus suos, ut patet per unam literam sub Signeto suo, xii li. xvii f.

Summa hujus expens. vi c liii li. vi f. i d. ob.

* Sup. pecia.

Item, Idem Computat in Soluc. fact. Mro Rich cementario, in parte solucionis sibi faciend. pro factura tumbe Dni nostri Regis qui nunc est, xiii li. vi s. viii d. Et Johi de Roos, ad Construccione * tris de Clony, xxxviii li. xiii s. iiii d. de quibus respondebit. Et Dno Comiti de Fyf, percipienti per annum, ad Custodiam et sustentacionem Castri de Strivelyne, in partem Solucionis dicte summe de anno hujus Compoti, ipso Comite fatente rec. super Compotum, lxvi li. xiii s. iiii d. Et Dno Roberto de Danyelstoun militi, percipienti per annum per literas Regis ejus super Compotum pro tempore vite Octoginta li. pro Custodia Castri de Dunbret: de tempore hujus Compoti, ipso fatente recept. super Compotum, xxvi li. xiii s. iiii d. vidz. in partem solucionis dicte summe. Et Willmo de Fentoun pro uno termino xx li. Et Dno Jacobo de Douglas, filio Dni Comitis de Douglas, in partem solucionis summe sibi debit. liii li. vi s. viii d. Et Mro Jacobo Monetario, de dono Regis, iiii li. vi s. Et Dno Patricio de Grahame, Dno Symoni de Ketnys, et Johi Marc, Nunciis missis in Angliam, c li. Et Dno Abbati de Abbroth, pro Comite Moravie, cui Rex tenebatur in una summa pecunie xii li. Et Dno Jacobo de Lyndesay percipienti per annum, pro tempore vite sue, viginti li. pro feodo Vicecom. de Lanark, de tempore hujus Compoti xx li. Et Patricio de Innyrpefyr, Depōtario apud Dundee, pro suo servicio, vi li. xiii s. iiii d. Et eidem pro superexpens: suis Compoti sui redditu de dicto Depōito, xiii li. xviii s. viii d.

Summa hujus Expens. iii c. lxxv li. xi s. iiii d.

Item, Idem Computat in Solucione facta Magro Johi de Peblys, Archidiac. Sti Andree, pro pensione sibi assignat: namque suscepit Officium Canc: de anno vz lxx^{mo} sexto, xiii li. vi s. viii d. et Johi Rollok percipienti per annum ex infeodacione Regis hereditar. ut patet in Rotulis Compotorum preceden. de anno hujus Compot. x li. Et Johi Gray, clerico Rotulorum et Registri Regis, percipienti per annum Viginti libr. pro predicto officio, pro tempore vite, de Anno hujus Compoti xx li. Et Dno Alano de Largis, clerico probacionis domus Regis, pro feodo suo, de Anno hujus Compoti xl li. Et dompno David Bell, Clerico Gardrob. pro feodo suo de Anno hujus Compoti, et de Anno precedent. de quo non percepit feodum, xx li. Et Johi de Dispens. clerico libcionis pro feodo suo xx li. Et in Expens. Auditorum Compotorum, et in vadiis Garçonum et equorum, pro temporibus Scaccarii, c xxxiii li. vi s. viii d. Inf. Compotorum, vadiis garçonum et equor. Clerici Rotulorum et Registri. Et in expensis Dni Jacobi de Lyndesay unius Auditorum Compot. infra predictam summam non Comput. xxvi li. xiii s. iiii d. Et in Cu-

rialitate fervientium v li. Et clerico Rotulorum et Registri pro Roba sua xl. f. Et hostiario pro Roba sua xl. f. Et Clericis scribentibus v li. Et in feodo simplici serviencium in domo Regis, xvi li. xvi f. iiii d. Et Ade Page v li. Et pro Scaccario et Compotario ejusdem xxi f. viii d. Et pro reparacione domus in qua tentum fuit Scaccarium, xvi f. vi d. Et Cristino de Gardroba pro suo servicio, liii f. iiii d. Et fiffori et Pellipario, paramentoribus Regis Apud Edynburgh, iii li. xviii f. Et fratribus Minoribus de Dunde de gratia ad presens xl f. Et Mro Simoni de Ketnys, pro pensione sibi Assignat. de uno termino hujus Compt. v li. Et Domino David Bell Clerico Gardrob. pro aliquibus receptis in Gardrob. et expenditis, ut patet per unam literam suam, de receptis Ostens. super Compotum, lvii f. Et Thome Acarsane, Ministrallo Regis, percipienti per Annum, pro tempore vite sue, pro suo servicio, decem libr. ut patet per literas Regis directas Camer. de precepto, et ipsius Thome de recept. ostens. super Compotum de uno termino hujus Comp. v li. Et Carpentariis et Cementariis Castri de Strevyllyne, pro feodis suis de uno termino hujus Comp. xi li. xiii f. iiii d. Et pro pargameno x f. Et Waltero de Tulach, Considerato labore suo ad presens, de gratia Auditorum iii li. vi f. viii d. Et in Solucione facta pro lampadis emptis, et recept. per Dominum David Bell, ad expens. Domini Comitis de Carkyk, nuper fact. apud Melros, xxxi f. Et in quibusdam minutis expensis examinat. Super Compot. xxvi f. Et Johi Lyoun Camer. Scocie constituto pro tempore vite sue, Capianti per Annum ducentas libras Sterlingorum, ut patet per litteras sub Magno Sigillo Regis, oñs super Compotum pro dicto officio, licet in ipso non ministravit pro Anno, tamen de Voluntate et Concessione Regis, per unam literam signatam anulo suo, oñs super Compt. de tempore hujus Com. cc li.

Summa hujus Vc. lx li. iii f. vi d. Summa tot expens. M. Vc. iiii xx viii li. xix f. xi d. ob. Et sic debet Vc. xxxvi li. xii f. viii d. ob.

pour faire a l'ide de Dieu bonne conclusion sur la dite matiere, car certes la bonne conclusion de celle matiere est, et sera, nous etables a mon seigneur et souverain, et a nous. Telschier conseil nous seigneur vous veuillez tousjours garder, et vous donit bonne vie et loigne. etc. a Edinburgh, le xxviii jour de May.

N^o III. *Annabella queen of Scotland to Richard II. 28th May*
1394. Vesp. F. VII, f. 38, n. 2.

A TRES haut et tres puissant prince, Richard par la grace de Dieu Roy d'Engleterre, notre trescher cousin, A. par ycelle mesme grace Royne d'Escoce, salut, et entier dilection. Trescher Cousin, des bonnes nouvelles de votre sainté, et prosperitee de corps, sicomme nous avons entendu par vos aimables lettres, et la relacion de votre escuier Jehan Dorwell, nous sommes treslees, et en avons grant comfort. Si prions a Dieu qu'il la face tousdiz continuer, selon ce que myelx voiriez. Et pour ce que nous tenons, qu'il vous fera plaisir tout mesmes oyr de nous, veuillez savoir qu'au faisanee de cestes, nous estions en bonne sainttie, la Dieu mercy. Trescher Cousin, touchant la mariage entre aucuns noz enfans, et aucunes prochaines de votre sanc, pour la traitie du quelle, comme vos lettres font mencion, vous avez ordiné pour envoyer dens Kelcou certaines personnes de votre conseil, pour traiter sur celle matier, a les octaves de la Trinite, veuillez savoir, que pour la brevetee de temps, depuis que mon tres souverain Seigneur le Roy a receu vos lettres, et consideree le retourner du dit votre escuier devers vous, aveque ses lettres de respons, il nous est avis, que de votre part le dit jour ne se pourra tenir bonnement; car a venir de dit escuier en noz partiez, mon tres souverain seigneur le Roy adonque estoit en les lontaignes parties d'Escoce, si que votre escuier ne se pavoit atteindre a sa presence devant le xix jour de May. Si que mon dit souverain le Roy vous a devisee un autre jour assez covenable, pour la dicte traitie; sicomme ses lettres a vous envoieez pourportent; pour la quel jour veuillez faire adresser aucuns de votre conseil pour y etre, pour faire a laide de Dieu bonne conclusion sur la dicte matiere; car certes la bonne conclusion de celle traitie est, et fera, mout greable a mon seigneur et souverain, et a nous. Trescher cousin notre Seigneur vous vueille tousdiz garder, et vous donit bonne vie et longue. Esc. a Edenburgh, le xxviii jour de May.

N° IV. *The same to the same, 1st August 1394. Vesp. F. VII,*
f. 39, n. 1.

A TRES haut et puissant prince, R. par la grace de Dieu Roy d'Engleterre, notre tres cher cousin, A. par mesmes ycelle grace Royne d'Escoce, salut, et dilection. De vobres aimables lettres, a nous presentees par notre bien amé Douglas le heraud d'armes, nous vous remercions entierement, et de cuer. Par les quelles nous avons entendu votre bonne estate, et sautee, a grant plaisir et confort de nous. Et tres cher cousin, quand au tratie touchant le mariage a fair par entre aucuns procheins de votre sanc, et aucuns des enfans de Roi mon seignour et de nous, vuelliez favoir, quil est greable au Roi mon dit seignour, et a nous; sicomme il vous a signifié par ces lettres. Et par especial que pour tant que la dicte tratie ne se poira tenir le tierce jour de Juilee darrein passée, pour certaines et resonables causes contenues es vobres lettres, envoiez au Roi mon seignour susdit, vous estes assentuez que une aultre jour de mesmes la tratie se preigne, le premier jour d'Octobre prochain venant; le quele est greable au Roi mon seignour avant dict, et a nous; et vous amercions de tout notre volentee, et de cuer: et prions cherement que vous vuelliez continuer la dicte tratie, et faire tenir le dict jour; quar il est la volentee de Roi mon seignour sus dicte, et de nous, quant en nous est, que la dicte jour se teigne sans defect. Et tres cher cousin, nous vous requérons, et prions cherement, quil ne displease a votre hautesse, que nous n'avons plus tost escript a vous; quar nous estremez gisant malade d'enfant masquil, a non James; et sommes bien et graciouement delivre, la grace de Dieu et de notre dame. Et ausi pour ceo que le Roi mon dict seignour estoit, a la venu de vobres lettres, esloignees es Isles de son roialme, nous ne receivon pas ces lettres envoiez a nous sur ceste matiere, tang le darrein jour de Juillie darrein passée. Tres haut et puissant prince, le seint esprit vous vueil toutz jours garder. Doné sous notre seel, a labbay de Dunfermelyn, le premier jour d'Auoust.

N° V.

N° V. *David Prince of Scotland, Earl of Carric, (and afterwards Duke of Rothsay,) to John of Gaunt Duke of Lancaster, about 1398. Vesp. F. VII, f. 68, n. 2.*

HAULT et puissant prince, mon tres chier et tres amé cousin. Quant a la matier de quoi vous, et l'evesque de Saint Andreu, avez parlez, jay entendu, et veu ce que vous avez avysez en icelle matier, et le rapportera au Roi mon seignour: et felons ce bon luy semblera, procedera a la avansement du busoigne, a laide de Dieu, en la maniere comme vous avez touchie, ou en aultre; au temps contenu en votre escript, ou pluis tost, sy bonnement faire se pourra. Hault et puissant prince, fil y a chose au votre plaissance, que faire puisse affialement, le me vueilliez certifier. Et luy Dieu tout puissant vous ait en sa tressantissime garde. Escr. a Melrofs, le xvii jour de Marz.

David, aîné filz du Roy d'Escocce, Conte de Carryk.

N^o VI. *George Dunbar Earl of March to Henry IV, 18th February, 1400. Vesp. F. VII, f. 22.*

EXCELLENT, mychty, and noble prince, like yhour realté to wit, that I am gretly wrangit be the Duc of Rothelay; the quhilk spoufit my douchter, and now agayn his oblisyng to me, made be hys lettre and his seal, and agaynes the law of halikirc, spoufes ane other wife, as it ys said. Of the quhilk wrang and defowle, to me and my douchter in swilk maner done, I as ane of yhour poer kyn, gif it like yhow, requer yhow of help and suppowall, fore swilk honest service as I may do, after my power, to yhour noble lordship, and to yhour lande. Fore trettee of the quhilk mater, will yho dedeyn to charge the lorde the Fournivalle, or the erle of Westmerland, at yhour liking, to the marche, with swilk gudely haste as yhow like; qwar that I may have spekyng with quhilk of thaim that yho will fend, and schew hym clerly mine entent; the quhilk I darr nocht discover to nane ather bot tyll ane of thaim, because of kyn, and the grete lowtee that I traist in thaim; and, as I suppose, yhe traist in thaim on the tother part. Alsa, noble prince, will yhe dedeyn to graunt, and to fend me, yhour sauf conduyt, endurand quhill the fest of the nativité of Seint John the Baptist, fore a hundredreth knichts, and squiers, and servants, gudes, hors, and harnais, als wele within wallit town, as withowt, or in qwat other resonable maner that yhow like, fore travaillying and dwellyng within yhour land, gif I hafe myster. And, excellent prince, syn that I clayme to be of kyn tyll yhow, and it peraventour nocht knawen on yhour parte, I schew it to your lordship be this my lettre, that gif Dame Alice the Bewmont was yhour graunde dame, Dame Marjory Comyne, hyrr full sifter, was my graunde dame on the tother syde; sa that I am bot of the feirde degré of kyn tyll yhow; the quhilk in alde tyme was callit neir. And syn I am in swilk degre tyll yhow, I requer yhow as be way of tendirnes thareof, and fore my service in maner as I hafe before writyn, that yhe will vouchesauf tyll help me, and suppowell me, tyll gete amendes of the wrangs and the defowle that ys done me; fendand tyll me, gif yhow like, yhour answer of this with all gudely haste. And, noble prince, mervaile yhe nocht that I write my lettres in English, for that ys mare clere to myne understanding than latyne, or fraunch. Excellent, mychty, and noble prince, the haly Trinité hafe yhow evirmar in kepyng. Writyn at my castell of Dunbarr, the xviii day of Feverer.

Le Count de la Marche d'Escoce.

Directed, Au tres excellent, et tres puissant,
et tres noble prince, le Roy d'Engleterre.

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N^o VII.

N° VII. *Christiana Countess of March to Henry IV, probably in 1404. Vesp. F. VII, f. 96, n. 2.*

MON tres excellent, et tres redouté Souveraigne Seigneur, Jeo me recommande au vous sy entierment, come creature terren poet penser, ou diviser au Roy du monde couronné; vous esmerciant humblement as genoilles, de les hauts graces et benefices, que vous m'avez faits devant ces heures; vous suppliant piment de votre gracieus continuance, et nomement de le gracieus refreschement que vous meneoïastes darreynement, Dieux vous eurent greez la ou jeo ne puisse. Non pur ceo, non tres gracieus seigneur, vous pleis savoir que monseigneur mon baron, et moy, avoins este en taunt duresce et distresce, puyisque nous fuymes exclus de notre pays, que encore jeo suy remys en graunt debt; de quelle sans votre gracieus eide, et sucour, ne me puisse deliverer. Et ore la pestilence est taunt fort et dure, la ou nous fumes, que jeo suy molt paorous, que jeo morra en le graunt debt que jeo suy encorrue: et pour nulle traitie que nous poons fair, ne poons avoir suffrance de nos enemys, pour nous treer a notre fortres de Colbrandespath, pour illoex attendre tantque la mortalité soit cesse. Et pour celle cause jeo emprie humblement a votre haut Roiall Majeste, que vous me pleisez avoir en remembrance, quant vous verrez loisir, et me eider que permy votre gracieus re...enement jeo puisse estre engettez de le debt qui me face tristes. Outre ceo, tres redoubté et mon tres gracieus seigneur, nous portons graunt enemyte pour la mort de Sir Henr. Percy; issuit que sovent fois est *grasne* a mon baron, et ses gents, qils vueillient estre morts, fils ne se retrehent hors du pays; issuit que les gents le dit Sir Henr., ne facent rien fors escontent confortables novelx de vous, pour alors faire la malice qui est formé en leurs coers. Et mon tres gracieus et tres souveraigne seigneur, touchant la pris de nos gents par ceux attendants au Count de Douglas, deignets ent donner credence al porteur dicestes; et sur ceo que vous pleisez ordener tiell remedy, sicomme le dit portour vous dirra par bouche. Et prie soveraignement al tres benoit Dieux de ciel, qil vous otroie longe vie, ene tout encrefment de honour et joy ensemble, ene victorie de vos enemys, et apres cest mortell vie vous rent la regne de gloire. Amen.

Votre humble oratrice la Countesse de la Marche d'Escoce

Directed, A mon tres excellent, et tres redoubté
Seigneur, le Roy d'Engleterre.

N° VIII.

N^o VIII. *James of Douglas, Warden of the Marches, probably to Henry IV in 1405.* Vesp. F. VII, f. 17.

HE, excellent, and rycht mychty prynce, Likit to your henes to wyte, me haff refavit your honorabile lettres to me, send be a Reverend Fadir the Abbot of Calkow, contenand that it is well knawin that trewis war tane and schorne * a late, betwix the rewmys of Ingland and Scotland; and forthi yhu mervalis gretly that my men, be my wille and assent, has byrnde the toun of Berwike, and in other certayne places wythin the rewme of Inglande; in brekyng fully the faide trewis, in my defaute, and nothing in yhours; and als agayn my ath, made in streynthning of the same trewis: of the qwhilke yhe desire rather that amends war made, than ony mar harme war done, tharfor requirande me to do yhou to wyte qwhethir I will gere refourme the sayde attemptats, or qwhat my full will be to do o that mater. Anente the qwhilkys, Hee and Excellent Prynce, qwhar yhe say yhu mervalys gretly that my men, be my will and assent, has brenned the town of Berwik, the qwhilk is wythin Scotlande, and other places in Inglande, in brekyng fully of the sayde trewis, I understand that giff yhour hee excellent war clerly enfourmyte of the brennyng, slachtyr, and takyng of prifoners and Scottis schippis, that is done be yhour men to Scottysmen, within the faide trewis, in divers places of Scotlande, befor the brynnyng of Berwike; the qwhilk skathis our lege lorde the Kyng, and his lieges, has paciently tholyte in the kepyng of the faide trewis, and chargit me til ask, and ger be askyte be my deputs redrefs tharof; the qwhilk my deputs has askyte at dayis of marche, and nane has gotyne; methink o resoune yhe fulde erar put blame and punition to the doarys of the faide trespas, done agayn the trewis in swilke maner, and callys thaim rather brekars of the trew, than me that has tholyte sa mikylle injur so lang, and nane amends gottyn. Bot it is like that the gret attemptats, that yhour men dois agayn the trewis, is well concelyte fra yhour audience, for I suppos and yhe wist it, yhe wald of yhour he worschipe ger it be refourmyte and redressit, as the cause requiryt. For lang befor the brynnyng of Berwike, yhour men com within our lorde the Kyngs awin propir lande of Arane, and Ile Malasch, and til his castell of Brathwike, and brynt his chapelle, and other diverse places of that land; and tuke and rawnsounde the capitaine of the sayde castelle, and slow his sone, and heryde al that thai mycht ourtake. And alsua thai hade takyne, befor that tym, certayne

* Sworn.

APPENDIX.

Scotts schippis chargit with marchandis, and the marchands tharof, in the contrer of the said trewis: of the quhilk reparacioun and redress has bene askyte befor the brennyng of Berwike, and nane gottyne. And qwhar yhe say that Berwike, that stands in Scotlande, the qwhilk toun yhe call yhouris in yhour sayde lettres, and certayne lands of yhouris wythin Inglande, was brende be my men, my will and my assent, brekand the trewis in my defaute, and nocht in yhouris, and in the contrar of my athe: thar to I answer in this maner, that qwhat tyme it like to our lege lorde the Kyng, and to yhour hee excellent, to ordane redress to be made be his commissaris, and yhouris, of all attemptats done of aythir fyde, I fall with the help of Gode make it well kennyt, that I haff trewly kepit my athe, and the trewis, as afferys to me of resoun. And quhaever enfourmyt yhour excellence, that I hade brokyn my athe, it hade bene fayrar for him to haffe sende me that querell into wyrt, undir his felle, and till haff tane answere greable, as afferit to him under my scelle agayne, than sua untrewly in my absence till enfourme yhour excellence: for I trayst he has faide mar in my absence, than he dar awow in my presens; for nocht displece yhour honour, learys fulde be lytille alowit wyth ony sic worshipful kyng as yhe ar. And qwhar yhe say in yhour sayde lettres that yhe desir rather amends of attemptats done agayn the trewis, than ony mar harme war done, tharfor to that I answer in this maner, that qwhen yhour faide lettres came to me, our lorde the Kyng was passit in the northe partis of Scotlande, and I with al gudly hast sende yhour lettres til him; of the qwhilk at the making of thir letteris I hade nane answer. Never the latt qwhen I hade understandyne yhour lettres, I gert cry in diverse placis the trewis to be kepit, traystand that it fuld be sua done on the tother part, aftyr the qwhilk crye yhour men of Inglande has rydyne in Scotlande wyth gret company, like in fere of were; and has heryde Lawadyr dalle, Tewy dalle, and a part of Etryke forest, the qwhilke at the making of thir letteris was tholyt, and nocht don tharfor. And foringiffe the trewis fall stande, it lyes to yhour heenes to se for chastyng of trespassouris, and for amends of attemptats done, and that be tym: and qwhat the wochesaff of your heenes to do, twychand the forsayde materis, yhe wolde certify me be your lettres wyth al gudly hast. Hee almychty prynce, the haly gast yow haff in his yhemfal evirmar. Wyrtyyn at Eddynburgh, under my felle, the xxvi day of July.

Jamis of Douglas wardane of the marche.

(Directed. To ane excellent, and a mychty prynce, Kyng of Inglande.)

Nº IX. *Commission by Robert duke of Albany, Regent of Scotland, to his ambassadors sent into England, 26th May 1414.*
Vesp. F. VII, f. 114, n. 2.

ROBERTUS Regis Scocie genitus, dux Albaniae, comes de Fife et de Menteth, et regni predicti Gubernator, universis ad quorum noticiam presentes literae pervenerint, salutem in Domino. Noverit universitas vestra, quod nos de fidelitate, circumspeditione, et industria, dilectorum et fidelium nostrorum, Roberti de Maxwelle de Caldawodde militis, consanguinei nostri, et Magistri Roberti de Lanyne, prepositi Sancti Andree, in decretis licenciati, plenius confidentes, ipsos fecimus, constituimus, et ordinavimus, facimus que constituimus, et per presentes ordinamus, pariter ex certa scientia et deliberato consilio, nostros ambaxiatores, commissarios, et nuncios speciales. Dantes et concedentes eisdem nostram plenariam potestatem, et mandatum speciale, ad tractand. concordand. et concludend. cum serenissimo principe Henrico Rege Anglie, seu commissariis suis quibuscunque sufficientem potestatem habentibus ab eodem, super deliberacione carissimi filii nostri Murdaci Steuart militis. Et ad omnia et singula faciend. gerend. concordand. concludend. et solvend. que circa filii nostri deliberacionem necessaria fiunt seu quomodolibet optima, etiam si mandatum exigant magis speciale, ratum, certum, stabile, atque firmum promittentes nos per perpetuum habituros, quicquid dicti commissarii nostri in premissis, vel aliquo premissorum duxerint faciend. Dat. sub testimonio sigilli nostri, apud manerium nostrum de Falklande mensis Maii die xxvi, Anno Dni. Millesimo cccc^{mo} quarto decimo, et gubernationis nostrae anno ix.

N^o X. *Indenture between Murdac duke of Albany Regent of Scotland, and Alexander earl of Mar, 16th November 1420.*
A copy in Sir James Balfour's collections, ms. Harl. 4694, 22.

Indentur betwix Murdack Dvck of Albaney, and Alexander Earll of Mar.

THIS indenture made at Perth, the xvi day of the mounth of November, in the yeir of our lord a thousand, four hundereth, and twentie, betwix hie excellent and mightie prince Murtheu Dvck of Albaney, earll of Fife and Menteith and Governour of Scotland, one the ane pairt; and a vorschipful lord, Sir Alexander Steuart Earl of Mar and Garivach, on the tothir pairt; Conteins and beirs vitnefs, that it is fullie accordit betwix them, in forme and maner as after fall follou: and that is to say, that the forsaide Earll of Mar is become man of spalen, duelling, and reveneu, till the forsaide dvck of Albany Governour of Scotland, for all the termes of his lyffe, befor and agains all uthirs deidlyk persons; his alleigance aught till our lord the king allenerlie outane. And he falle giffe his letter therupone till our forsaide lord the Governour, in deu forme under his saille, for certane gude deeds done till him be our saide lord the Governour. Alsua it is accordit, that our saide lord the Governour fall gife to his darrest cufin forsaide the Earll of Mar, the tenth * halfe of the profitts of the Justry of Aberdenie, Bamffe, and Iner nesse, and als oft as they be haldin, outtane the corns and victuals of men and horse, in the halding of the saide ayeirs. And the saide Earll of Mar fall doe all hes bisness and diligence till bring justris, till the honour and profit of the saide lord the Governour, for beath ther profit. Alsua our lord the Governour fall gif hes letters patents till the saide Earll of Mar of power to be steadhaldand till him, after the tennor of the letters the quhilks the saide Earll hede of umquhilum our lord the Governour, quhom God assoyle. Alsua the forsaide lord the Governour as assentit, and fall gife hes confirmatione till his cufin sir Thomas Steuart, upon the infestment that the saide Earll of Mar makes till the saide Sir Thomas hes sone, apone the lands of Mar and Garevach, if it sa beies that the saide Earll of Mar shares a confirmatione of our lord the King till our lord the Governour, givin till him and hes heirs and affignais, apone the lands of Mar and Garivach forsaids; for the quhilk confir-

* Tane?

matione

matione to be given to the said Sir Thomas, through our lord the Governour that nou is, and for uther good deids done of befortyme till the said Sir Thomas, through our said lord the Governour, the said Sir Thomas is become mane till the said lord the Governour, of spalen, duelling, and reueneu, for all the tymes of hes lyffe, befor and agains all uther deadlyk persons, hes alleagence aught to the King allanerlie outane; and therupon fall gife his Letters of Retenewe in deu forme till our lord the Governour. Alsua it is accordit that our lord the Governour fall giff his letters, baunde, and sealle, till his forsaide cusin the Earll of Mar, of mantinance helpe and suppleie, in al forme and in effect, as quhilum our lord the governour hes fader did befor tyme, bot fraude or gyle. Alsua it is accordit betwix the forsaide lord the Governour, and hes darrest cusin the Earll of Mar, that sen Valter Steuart the sone, and ayire appirand, of our forsaide lord the Governour is oblischid till the forsaide lord his fader, that he fall not tak in mariage the daughter of Sir Robert Erskine, vithout the consent of hes forsaide lord and fader, our forsaide lord the Governour is oblischid, and oblidges him be this indenture till hes said cusin the Earl of Mar, that he fall nought gife hes consent till the fulfillan of the said mariage, vithout vittining, and consent, of the said Earl of Mar. And alsua it is accordit that our said lord the Governour hes given to hes forsaide cusin the Earl of Mar, the profitts comand of the lands of Badenach, Urquart, and Strathowne, ay till the tyme that they may be sett to profit; and fra thensfurth our forsaide lord till have the tane halfe of the profit comand of the saids lands, and the forsaide erl his cusin the tother halffe of the profit of the lands, endurand the tyme of the said earl's live. And alsua the said Earl is oblischit, and obless him be this indenture, that he fall doe al his goodlie bussiness and diligence to bring and sett the saids lands of Badenacht, Urquart, and Strathowen, vith the pertinents, till the maist profit that he may, and vithin als short tyme as he may, bot fraud or gyle. In the vitnifing of the quhilks things, leillie and trewlie for to be keipet, bot fraud and gyle, the sealls of the forsaide lord the Governour, and of the forsaide Earll of Mar hes cusin, to thir indentures interchangable are toput, the day, yeir, and place, forsaids.

Nº. XI. *Annual Revenues of the Hostages for James I, 1424.*
 Rymer X, 327.

JACOBUS Rex tradidit, dedit, et liberavit, pro securitate solutionis summæ quadraginta Milium librarum, bonæ et legalis monetæ Angliæ, ad locum, dies, et terminos, in dicto appunctuamento contenta; ac plenæ et integræ executionis et complementi omnium et singulorum, in prædicto appunctuamento contentorum, obsides, et personas obsidum, æstimatas per partem dicti Jacobi Regis in valore annuo reddituum ad summas infra scriptas; videlicet,

David, primogenitum, et hæredem, comitis Atholiæ, reddituum ad xii C. Marc.

Thomam Comitem Moraviæ, ad M. Marc.

Alexandrum Comitem Crawfordiæ, ad M. Marc.

Duncanum Dominum de Argill, ad xv C. Marc.

Willielmum, primogenitum et hæredem Domini de Dalketh, ad xv C. Marc.

Gilbertum, primogenitum et hæredem Willielmi Constabularii Scotiæ, ad viii C. Marc.

Robertum Marefcallum Scotiæ, ad viii C. Marc.

Robertum dominum de Erskyn, ad M. Marc.

Walterum dominum de Driltone, ad viii C. Marc.

Thomam Boyd de Kilmernoch, ad D. Marc.

Dominum Patricium de Dunbarre, Dominum de Camnok, ad D. Marc.

Alexandrum Dominum de Gordonne, ad iv C. Marc.

Obsides alias concordatos, ac vice et loco aliorum absentium etiam alias concordatorum obsidum, quorum nomina continentur in quadam cedula, dicto appunctuamento annexa.

Dominum Willielmum de Abbirnethy, ad D. Marc.

Jacobum de Dunbarre, Dominum de Frendrath, ad D. Marc.

Andream Gray de Foullis, ad vi C. Marc.

Dominum Robertum de Levinston, ad iv C. Marc.

Johannem Lyndesay, ad D. Marc.

Dominum Robertum de Lille, ad iii C. Marc.

Jacobum Dominum de Caldor, ad iv C. Marc.

Jacobum Dominum de Cadyo, ad D. Marc.

Dominum Willielmum de Rothvane, ad iv C. Marc.

Willielmum Olyfaunt, Dominum de Abirdalgy

Georgium, primogenitum et hæredem Hugonis Cambell, ad iii C. Marc.

Robertum,

Robertum primogenitum et hæredem Domini Roberti de Mautal-
lent, ad iv C. Marc.

David Meignes, ad ii C. Marc.

David de Ogilby, ad ii C. Marc.

Patricium primogenitum et hæredem Domini Johannis Lyon, ad iii
C. Marc.

N^o XII. *Acts for Taxes, 1424 and 1431.*

Scotish Acts of Parliament, edit. 1566, fol. iii. 1 parl. James I,
26 May 1424.

Of finance to be maid for the Kingis costage in Ingland. Ca. X.

ITEM, It was consentit, throw the Estatis and Parliament, that for the fynance and payment to be maid in Ingland, for our Souerane Lordis costage, and delyvering of his hostageis being in Ingland, thair falbe rasit ane YEILD *, or maa, gif it misteris, throw the haill kynrik, alswell throw the regalyteis, as throw uther landis. For it wer grevous, and greit charge on the commonis, to rais the hail finance at anis, it is accordit that a YEILD be rasit, that is to say xii d. of ilk pund; and that the landis, rentis, maillis, and gudis of lordis, within thair proper domanis, baith corne and catell. Bot for the extent of the proper domanis thay fall not pay, drawin oxin, riddin hors, and utenfillis of hows, alanerlie, outtaking the burgeffis in lyke maner of thair gudis and rentis.

Of the maner of taxatioun to be maid in the realme. Ca. XI.

ITEM, Thir ar taxis ordanit, throw the counfall of Parliament, upone the Cattel and Corne, to be raisit to the Kingis finance to be maid in Ingland. In the first YEILD now concludit, the boll of quheit is taxit to ii s. Alswa the boll of rye, beir, and peis, to xvi d. the boll of aittis vi d. And this of all corne that is now in hows, or in stak, the lordis purviance to thair howshald alanerlie owttane; and the grene corne that is naw upone the erd growand fall remain untaxit, quhil it cume of the erd. Alswa the beistis ar taxit one this maner. The Kow and hir followar, of twa yeir auld, to vi s. viii d. Item ane Wodder, or ane Yowe, ilk ane to xii d. Item Gymmer, Dunmund, and Gaittis, ilk ane to xii d. Item ane drawin Oxe, of thre yeir auld or elder, to vi s. viii d. Alswa the wilde Meir, with hir followar of thre yeir, to x s. A Colt of thre yeir auld, or elder, to ane mark.

This is the maner that landis and gudis fall be taxit. That ilk schiref within his schirefdome fall gar call befor him all the barronis, and fre haldarris of the King, and with counfall of tham he fall cheis

* Subsidy.

leill men and discreit, and sic as he will answer for; the quhilks fall abyd knowlege befor the King gif thay have done thair deuoir, at the end of the taxation; and that als mony personis as may sufficiently extent the cuntre, and na ma, for eschewing of coste; and that all schirefis be sworne to the king or his deputis that thay fall lelely and trewly gar this extent be fulfillit, of all the landis, and gudis, in forme as is above writen; and that the extentouris fall be sworne befor the Barronis of the schirefdome, that thay fall do thair full power to the said extent: and thay fall have with thaim the parochie Preist, and that he be chargit be his Bischop till informe thaim lelely of all the gudis of the parochin; and that thair be maid a buke of the said extent, contenand the namis of ilk towne in speciall, and the names of ilk persone dwelland in thay townis, and thair gudis followand thair names. And that thair bukis be presentit to the Kingis Auditouris at Perth, the day limit thairto, that is to say the xii day of Julij nixt to cum. Alswa quhair thair is ane greit schirefdome, thair be chosin be sicht of the Baronis leill discrete men to keip thame.

Alswa that all the landis of the kinrike be taxit, after as thay ar of avale now, and that but fraude or gyle. Alswa that all gudis be taxit and payit, after the valu of the money that now is. Alswa that na exceptioun be maid in this taxatioun to na man, nouthir of det nor of male: bot all the gudis ay quhair thay be fundin, to pay the said YEILD, after the taxatioun, baith of Clerkis, Baronis, and Burgesse. Alswa it is sene speidful that all taxatouris, the tyme of thair extent, warne all maner of man, that of all thair gudis that ar taxit, baith of beistis, corne, and uther gudis, within xv dayis nixt after following the taxt, the payment be reddie in siluer and gold, as is befor writtin. And gif at the end of the said xv dayis the payment be not reddy, the officiaris of ilk schirefdome fall tak of ilk man that warnis payment, a Kow for v s. a Yow or a Wedder for xii d. a Gait, a Gimmer, or a Dunmund, for viii d. a wylde Meir and hir follower for x s. a Colt of thre yeir auld, or mair of eild, xiiis. iv d. a boll of quheit xii d. a boll of rye or peis viii d. a boll of aittis iii d. And gif the Schiref takis thir gudis he fall gar the lord of the land, gif he may be gottin, pay the taxt to the King, and deliver the gudis till him. And gif he will not, the Schirefe fall gar sell the gudis at the nixt markat day, or send thame to the King, on the Kingis coist, quhair the King till his deputis ordanis.

ITEM, It is ordanit and sene speidful, that the Prelatis gar taxt thair rentis, and kirkis in this maner. That is to say ilk Bischope in ilk Denrie of his Diocie, gar his Officiall and his Dene summund all the Tennentis and frehalders befor him, and cheis Taxatouris, and charge thame in maner and forme as is befor writtin; to the saidis day and place. And gif the Schiref sendis ony man on the Baronis behalf,

that he be refayit with thame and se thair taxatioun. And that the Official gar warne the Schiref, quhen he wil cheis his taxatouris, and mak taxatioun of kirkis landis, gudis, and rentis, befor said. And quhair a kirk man payis the haill valour of his beneficis, that all the frutes of his kirk of the yeir followand be fre.

Alfwa anent the taxatioun of Burgeffes gudis, and rentis, it is fene speidfull that ilk Alderman and Baillies of Burrowis call befor thame the Burgeffis, and gar cheis leill and trew men in maner as is befor said, takand with thame the Curat of the towne, chargeit be the greit aith throw the Bischop. And that the Schiref send als on the Barronis behalf a lele man, to beir lele witnes to thair taxt; to the quhilk he salbe sworne lelylie with thame. And that thay warne the Schiref to send that man to the day that thay cheis thair taxatouris. Alfwa the Prelatis, the Schireffis, the Aldermen of townis, fall taxt and ordane the coistis of all Officiaris, that fall laubour about this YEILD rasing, be thair lautie that thay aucht to the King, and thair coistis to be tane of the haill taxt. Alfwa the yeild rasit to the King mot be allowit to thame in the yeild foirsaid.

Alfwa that thair be ordanit in ilk Scherifdome, and chosin be the Schireffis and the Barronis, gude lele and discreit men, to taxt the foirsaid rentis and gudis. And that with the Clerkis thair be ordanit lawit men be the Schireffis, and with lawit men clerkis be the clergy, to see and beir witnes that all thingis be lelylie done, and rychtswa within Regalyis. And that ilk cuntrie releif uther. Alfwa that the Schireff depute certane men to be with the Baillies, and taxatouris of the Burrowis, to see that all maner of gudis, alsweill corne, cattel, as uthers gudis, be lelylie taxt, and presentit to the auditouris ordanit thairto, till appeir at Perth the xii day of July nixt to cum. Of the quhilkis auditouris thir ar the namis; the Bischoppis of Dunkeldin, Dumblane, the Abbottis of Balmerinach, Sanct Columbis Inche, Maister John Scheves, the Erle of Athole, Schir Patrik of Dunbar, Williame Borthwick, Patrick Ogilwy, James of Dowglas of Balwany, and William of Erskin of Kinnoull.

Ibid. folio verso xxij, 10 Parl. J. I, 15 Oct. 1431.

For the resisting of Rebellouris in the North. Ca. cxlvi.

For the resisting of the King's rebellouris in the North land, and the costage to be maid thairupone, it is fullely consentit be the Thre Estatis, ordanit and concludit, that thair be listit and rasit ane Contributioun; that is to say of all landis of the realme, quhair the YEILD of twa pennies was rasit, thair be now x d. rasit; and quhair the twa d.

was

was not rasit thair be now xii d. rasit of ilk pund. And this Contribution to be tane throw all the realme, of all mailis of landis, and rentis of haly kirk, as of temporall Lordis; na gudis of lordis na Burgeffis outtane, saifand the extent of the mailis of the Lordis proper domanis haldin in thair awin hands, mailis of Burgeffis housis within Burrowis inhabite be thame self, and with thair proper gudis, of the quhilkis thay tak na maill; riddin hors, and drawin oxin except allanerly, of the quhilkis na yeild falbe rasit. Attoure this Contribution falbe taxit and rasit with all celeritie possibill, brocht and deliuerit to the auditouris of it, that is to say the Abbotts of Balmerinouch, St. Columbis Inche, Schir Johne Scrimgeour, Johne of Fyfe of Abirdene; quhilkis fall begin thair comptis on the morne nixt after the Purificatioun of our Lady nixt to cum, at Perth, gif the pestilence be not thair, gif it beis thair at Sanctandros. The quhilkis auditouris fall put this Contribution in a kist of iiii keyis, of the quhilkis keyis ilk ane of thame fall have ane. And that kist to remane in the Castell of Sanctandros, under the keiping of the Bischop and the Prioure. And in caise that peax beis maid in the menetye, this Contribution fall remane under the famin keiping in depois, to the commoun proffeit and use. The quhilk done the King commandit till continow the Parliament, till monunday the xii* day of the foirsaid moneth and yeir.

* Sic: xxii? which was monday.

N^o XIII. *The contemporary account of the murder of James I.*

FROM a ms. formerly belonging to Mr. Thoresby of Leeds, (see Nicolson's Scottish Historical Library;) now, Aug. 1790, to Mr. Jackson of Clement's Lane, Lombard Street: written about 1440*.

Here folowyng begynnythe a full lamentable cronycle, of the dethe and false murdure of James Stewarde, last Kynge of Scotys, nought long agone prisoner yn Englande, the tymes of the Kynges Henrye the Fifte and Henry the Sixte.

The dethe of the Kynge of Scotis.

ROBERT STEWARD, the kyng of Scotis, hadde ii sonnys; of the whiche the eldere was a femely mane of persone, and knyght, clepid the duke of Rosewe; and the yonger, clepid James Steward, that was bote of yeres yonge, and meane of stature. This Duke of Rosewe perseyved in his reason the greet age of the Kyng his fadir, the ympotencye of his lymmes and membirs, the febilenesse of his persone that fore vexed hyme yn his age, begane unlawefully to tak upon hym the Royall governance. Thurghe the whiche presumcion, orguyle and pruyde, he wexe full of viciousnes yn his lyvyng, as yn dispufellyng and defowlyng of yong madyns; and yn brekyng the ordire of weddelok, by his fowle ambitious lust of that voluptenus lust of advoutre. Wherefore the Lordes and the Nobles of the Rewme of Scotland, confideryng that vicious lyvyng of that said Duke

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 * * * * * a leaf torn out * * * * *
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Thes traturs furters, and contractes, ended by the counsell and consente of bothe the parties of the Kynges, the Kyng of Scottes hadde leve enlagissid, and had saufecondit of his maister the kyng of England, (for so the Kyng of Scottes clepid hym,) to returne safe and sownde ayene ynto his region of Scotteland.

* As appears from the writing, and from a translation in the same ms. after this tract, of a book of morals by 'John of Wiegney, oute of Frenshe into Englishe, by youre humble servytoure John Shirley, att the full noble, honorable, and renoméd cité of London, so as febleffe wold suffice, in his grete and last age, the yere of oure lord a thousand, foure hundreth fourty.'

This John Shirley is the translator of this account of James's murder from a latin relation, probably published in Scotland by authority. See the end.

Of whos cumyng the Erle Douglas and the Erle of Bowgham*, fully advertised to hemselfe in thaire owne misgovernance, he beyng Kyng and absent, ne durste nat abide his home-cumyng, for fere of the pitous dethe of the Duke of Rosay his brother, whome thay haved so mischevously murdered unlawfully yn prisone, as afore this cronycle made clere memorie, they ordeynd hem, for dowte of thare lyvys, with a gret nowmber of thare frendis and subjectes, with all the possibilité, to passe the see ynto France. Frome whense thay come never; bott both thay, with many other worshipfule capitaignes, knyghts, and swyers, and lordes of the Armynakes and Scottes, all enmyes to the Kyng of England, were slayne and takyne at the bataile of Vernoile yn Perch, withyne the revme of France, by that noble and so excellent prynce John of Loncaster, Duke of Bedeford, thene the Regent of France, to whome that day God granted the disconfiture, and victorie of the feld.

Remanyng at thare home the Duke of Albayne, the Erle of Leynys, the Erle of Manthet, Watir Stuard, and other many lordes of Scotteland, thynkyng that thay were so neghe of the Kynges blode of Scottes, and demyng also yn theire conseites that [thai] hade nat offended theire Kyng yn no wise; bot so abode still yn the lande the Kyng's cumyng home out of England ynto Scotteland. Whome all, with many other of thare afinite, the saide Kyng of Scottis lete arrest, and hem severally yn diverse castell full hard prisoned, till he had fondon meanes and wais for to do hem lawfully to deth, as false traitours, because of the false murder of his brother the duke of Rosay. Whos deth the people of the land fore grutched, and mownid; seying that thay suppoised and ymagynd that the Kyng did rather that vigorous execucion upon the Lordes of his kyne for the covetise of thare possessions, and goodes, thane for any other rightfull cause, althofe he fonde colourabill wais to serve his entent yn the contrarye.

All thos thinges thus done, the saide kyng of Scottes, noght stanchid of his unfacionable and gredi avarice, ordeynd that tallage, and other impositiouns upon his people, gretter and more chargeant then ever were acustomyd afore that tyme. So that the comoners of his land secretly clepid hym nat rightwes, bot a tyrannous prynce, what for the outrageous impositiouns importables of use, on taxes and tallages, upon his poure subjectes and peple. But after the wisdom of some philisophers the comone langage of the peple oft spekith without reason. Nevertheless many of the Lordes of that land, dredyng fore of the harme that myght betide, drowghe hem to counsell how thay myght withstand and resist the Kynges tyranye, sithe he hade so litill pite of the dethe done to hym of his Lordes, many of hem beyng so negh of his roiall blode,

* John Stuart, son of Robert duke of Albany, and constable of France.

and

and also of the gredi covatise that he oppressid and enpoverisid his commonalte. Withall the Kyng beyng present yn his said cownesell, rose up with a maneli swollon hart a knyght, clepid Sir Robert Grame, a grete gentelman and an Erles sune, a mane of grete wit and eloquence, wundir futilye wittyd, and expert in the lawe: sayng thes wordes opynly to the Lordes, "Sirs, yf ye woll firmly stand by that at I shall say "to the Kyng, yn youre audience, I trust to God that we shall fynde "a good remedye and helpe." To the which sayng the Lordes consentid: and saide that they trustyng holly yn his prudent and discret manehode, wold conforme and consent, yn hie and low, to mayntene all that he wold tak on hand to say, for the general weele of hem, and of all that land, yn that mater by hym than mevid.

Upon this the Kyng lete to somond a parliament of the iii astatis of his rewme, where this same Sir Robert Grame, fully sette and asurid and purposid to performe that at he had behight and promysid unto the Lordes, as is afore reherfid. He rose upe with a grete corage, with a violent chere and countenance, sette handes upon the Kyng sayng thes wordes, "I arrest you yn the name of all the thre astates of your reume, "here now assemblid yn this present parliament, for right as youre liege "peple be bundun and sworne to obeye your Majeste noble riall, yn "the same wise bene ye sworne and ensurid to kepe youre peple, to "kepe and guverne youre lawe, so that ye do hem no wronge, bot yn "all right mantene and defend hem." And there and then forthwith the said Sir Robert Grame, asuryng hym fully yn the promyse made unto hym bi the said Lordes, said, "Is hit nat thus as I say?" Unto the which sayng none of all the astates afore reherfid wold, ne durst speke oone word, bot kapid silence. The Kyng therwith percevyng all this presumptuous rebellion, and wirchyng of the said Sir Robert Grame, gretly movyd and stirryd ayenst him, as that reason wold, lete do hym arrest, and commandid to put hym yn sure and hard prisone.

This Sir Robert Grame, seyng hymself thus defavyd there of the said Lordes, spake and said yn this wise, "He that serveth a comon mane, he serveth by short processe of tyme." After this the Kynge exiled this Sir Robert Grame; and all his haritages and goodes deemed as forfators to the Kyng.

Upon his exile this Sir Robert Grame toke his [way] ynto the cuntries of the Wild Scottis, wherthat he conspired and ymagynd how that he myght destruye his Kyng. And furthwith he renounsed his legiance, and by wordes, and by writyng, he defied hem, seyng that he had destruyd hym, his wif, and his childerne, his haritages, and all his other godes, by his cruell tyranny. Wherfor he said he wold flee hym [with] his owne handes as his mortall enmye, yf wer he myght se tyme, and fynd wais and meanes. Therto the Kyng, hugely vexid in his spretes with the traturous and malicious rebellion of the said Sir Robert

Robert Grame, did mak an opyn proclamacion by all the rewme of Scotteland that whoso myght flee or tak hyme, and bryng hym to the Kynges presence, shuld have iii thousand demyes of gold, every pece worth half an English Noble.

Nocht long after this the Kyng lete so ordeyne his parliament yn due forme, at Edenbourghe, somunde yn the yere of oure lord A Thousand, Foure Hundreth, Six and Thirtie, yn the fest of All Hallowen. To the which parliament the said Sir Robert Grame stired a full cruell vengeance ayene the Kyng, sent privie messages and letturs to certayne men and servantes of the Duke of Albayne, whome the Kyng a litill afore had done rigorously to deth, lich as hit is entitild here afore, opynly, that if thay consent and faver hym, he wold uttirly take upon hym for to flee the Kyng, lest thurgh his tyrannye and covetise he wold destruy this reume of Scotteland: and the corone of the land shall be yovon to Sir Robert Stuard, which is the Kyng's cofyn, and next of the right of the corone, bot yf the Kyng had a sune; the same Robert's fadir thenne liggyng in hostage to the Kyng of England, for the said James Kyng of Scottes, yn the towre of London, till that his fynaunce were fully content and paid. And the said Sir Robert's grantefire, the Erle of Athetelles, of that treifon and counsell as hit was said; and by hymselfe secretly desirid and covetid to have the corone. For which causes the same Sir Robert Grame was half the better consentid to bryng thaire purpos to effecte. For this Sir Robert Stuard did ever abide yn the Kynges presence, full famulier aboute hyme at all houres, and most privey above all other; and was a full gentill squyer, fressh, lusty, and right amyable. Whome the Kyng entierly loved as his owne sone; and for the tendure love that he had to hyme he made [hym] Constable of all his host, and at the sege of Edenburgh*.

After this the Kyng sodanly avifid made a solempne fest of the Cris-
tynnes at Perth, which is clepid Sant Johns towne, which is from Eden-
bourghe on that other side of the Scottesh See, the which is vulgarly
clepid the Water of Lethe. Yn the myddis of the way thare arose a
woman of Yreland, that clepid herselfe as a futhfayer. The which
anone as she saw the Kyng, she cried with lowde voise, sayng thus,
"My Lord Kyng, and ye pase this water, ye shall never turne ayane
on lyve." The Kyng heryng this was astonyed of her wordis; for
bot a litill to fore he had red yn a prophesie, that yn the selfe same
yere the Kyng of Scottes shuld be slayne. And therwithall the Kyng
as he rode clepid to him oone of his knyghtis, and gave hym yn co-
maundment to torne ayane to speke with that woman, and ask of here
what sheo wold, and what thyng sheo ment with her lowd cryng? And
sheo began, and told hym as ye have hard of the Kyng of Scottes, yf

* Sic. Roxburgh.

he passed that water. As now the Kyng askid her how sheo knew that? And sheo said that Huthart told her so. "Sire," quod ho, "men may calant y tak non hede of yond womans wordes, for sheo nys bot a drunkine fule, and wot not what sheo saith." And so with his folk passid the water, clepid the Scottishe See, toward Saynt Johnnes towne, bott iiii myles from the cuntreth of the Wild Scottes; where, yn a close of Blakfriars withowt the said towne, the Kyng held a gret fest.

Where upon a day, as the Kyng plaid at the chesses with oone of his knyghtis, whome yn playng wise he clepid Kyng of Love, for he was a lusti man, full amorous, and much medeled hym with loves' arte. And as hit came the Kyng to mynd of the prophecie spokyne tofore, the Kyng said to this knyght, "Sir Kyng of Love," quod he, "hit is nat long agone sith I redd a prophecie, spokyne of tofore, that I saw how that this yere shuld a kyng be slayne yn this land. And ye wote wele Sir Alexander, there be no mo kynges yn this reume bot ye and I; and therfor I cownesell you that ye be well ware, for I let you wit that I shall ordeyne for my sure kepyng sufficiently, I trust to God, so I am undir youre kynghood and yn the service of Love." And thus the Kyng yn his solas plaid with the knyght.

Withyn short tyme after this, the Kyng beyng in his chambur, talkyng and playng with the Lordes, knyghtis, and squyers, that were abowte hym, spak of many dyvers maters. Amonges was ther a squyer that was right acceptable to the Kyng, that speke, and said, "For sothe My Lord," quod he, "me dremed varelye to nyght that Sir Robert Grame shuld hafe slayne you." And that heryng the Erle of Orkeney thoo warnyd the squyer, that he shuld hald his peace, and tell nane such tales yn the Kynges presence. And therwith the Kyng heryng this squyers dreame, remembred hymselfe how that same nyght how* had a sweyvyn slepyng; and semyd to hym varaly that a cruell serpent, and an horribill tode, assailid hym furiously yn his kynges-chambur; and how he was fore afright and aferd of hym, and that he had nothyng wherwith he myght focoure and defend hymselfe, bot oonly a paire of tanges that studyn yn the chymneth.

And many other tokyns, and tailes, liche to this, the which now may well be demyd by varay demonstracions, and also pronosticacions to the Kyng, of his deth and murdur, had he or the tyme of his deth fell. Also oone of kynges traitours, clepid Cristofere Chawmebur, that was a squyer of the Dukes hous of Albayne, iii tymes he drugh hym to the Kynges presence, for he wold haf playnely opynd, and told hym of the purpos of all the traitours, that wer aboute to murdure hym, bycause that the Kyng withowt any cause hatid hym rightfully†.

* Heo?

† This, and several other sentences, are most obscurely expressed.

And thus, as hit is said by the old wise fadirs, many years or we were borne, what thyng that destyned to a perlon, be hit late be hit sone, at the last ever hit cumyth.

Thus, after this, cane fast apporoch the nyght, yn the which the said James Stward kyng of Scottes shuld falsely hym unwittyng, suffure his horribill deth by murdure; this which is pite that any gentill or gode man to thynk upon. So both afore soper, and long aftire ynto quarter of the nyght, in the which the Erle of Athetelles, and Robert Stward, were aboute the Kyng; where thay wer occupied att the playng of the chesse, att the tables, yn redyng of Romans, yn syngyng, and pypyng, yn harpyng; and in other honest solaces, of grete pleasance and disport. Therwith came the said woman of Yreland, that clepid herself a dyvenourese, and entred the Kynges courte, till that she came streght to the Kynges chambur dore, where sheo stode, and abode bycause that hit was shutte. And fast sheo knokyd till at the last the ussher opynd the dure; marvelyng of that woman's beyng there that tyme of the nyght, and askyng here what sheo wold? "Let me yn" "Sire," quod sheo, "for I haf sumwhat to say, and to tell unto the Kyng; for I am the same woman that noght long agone desirid to haf spokyn with hym, at the Lith, whan he shuld passe the Scottish See." The ussher went yn, and told hym of this woman. "Yea," quod the Kyng, "let hir come to morrow:" bycause that he was occupied with suche disportes at that tyme, hym lit not to entend her as henne. The ussher came ayane to the chamber dore, to the said woman; and there he told hir that the Kyng was besye in playng; and bid her cum soo ayane upon the morow. "Well," said the woman, "hit shall repent yow all, that ye wil nat let me speke nowe with the Kyng." Therat the ussher lughe, and held her bot a fule, chargyng her to go her way. And therwithall sheo went thens.

Withyn an owre the Kyng askid the voidee, and drank, the travers yn the chambure edraw, and every man depairtid and went to rist. Than Robert Stward, that was right famylier with the Kyng, and had all his commandementes yn the chamber, was the last that departid; and he knewe well the false purveid treison, and was consentid therto, and therefore left the Kynges chamburs doore opyne; and had bruffed and blundird the lokes of hem, yn such wise that no man myght shute hem. And abowt mydnyght he laid certayne plaunches, and hurdelles, over the diches of the dicke that enviroind the gardyne of the chambure, upon which the said traitours entred. That is to say the forsaide Sir Robert Grame, with other of his covyne ynto the nowmbre of Thre Hundreth persons; the Kyng that same tyme ther stondyng in his nyght gowne, all unclothid save his shirt, his cape, his combe, his coverchif, his furred pynsons* upon the forme, and the foote sheet; so stondyng

* Slippers.

APPENDIX.

afor the chymney playng with the Qwene, and other ladis and gentilwomen with here; cast offe his nyght gowne, for to have gone to bedd.

But he harkynd, and hard grete noise without, and grete clateryng of harnych, and men armyd, with grete sight of torches. Than he remembred hym, and ymagynd anone that hit shuld be [the] false tratours knyght, his deedy enemy, Sir Robert Grame. And sodenly the Qwene, with all the other ladis and gentilwomen, rane to the chawmber dure, and fonde hit opyne; and thay wold have shitt hit, bot the lokes wer so blundrid, that thay nethir cowth ne myght shut hit. The Kyng prayd hem to kepe the same dore as wele as thay myght, and he wold do all his myght to kepe hym to withstond the false malice of his traitours and enmys; he suppoisyng to have brestyn the farrements of the chaumbur wyndos, bot thay wer so square, and strongli fowdid yn the stonys with moltyne lede, that thay myght not be brostye for hym, withowtyn more and strengre helpe. For which cause he was ugly astonyed, and in hys mynd kouth thynk on none other socoure, bot start to the chymney, and toke the tonges of yren that men rightid the fire with, yn tyme of neede; and undir his fete he myghtily brest up a plaunch of the chaumbur flore, and therwithall cuverid hym ayane, and entred adowne lowe beneth amongis th' ordure of the privay, that was all of hard stone, and none wyndow ne isshue therupon, save a litill square hole, even at the side of the bothum of the pryvay, that at the makynge therof old tyme was levid opyne to clense and ferme the said privay. By the which the Kyng myght well escapid; bot he maid to let stop hit well iii dayes afore hard with stone, bicause that whane he playd there at the pawme, the ballis that he plaid withe oft ranne yn at that fowle hole, for ther was ordenyd withowt a faire playng place for the Kyng.

And so ther for the Kyng nether reschows, ne remedie, bot ther he must abide, ellas the while! The traitours withowt laid at the chaumbur dors, and at the privay dore also, with wawis, with levours, and with axes, that at the last thay brak up all, and entred, (bycause the durs were not fast shutte,) with swerdes, axis, glavis, billes, and other terribill and ferefull wepons. Amonges the grete prese of the which traitours, ther was a faire lady fore hurt yn the bak; and other gentilwomen hurt and fore wondid. With the which the ladis, and all the women, mayd a sorowfull skrye, and rane away for the hidos fere of tho boistous and merciles men of armes. The traitours furiously passed forth ynto the chaumbures, and founde the Qwene so dismaid and abassid of that horribill and ferefull guvernance, that she cowth nether speke, ne withdrawe here. And as sho stode ther so astonyd, as a cryature that had lost here kyndly reason, oone of the traitours wowndid here
full

full vilanyfly, and wold have slayne here, ne had not bene oone of Sir Robert Grame's sones, that thus spek to hym and said, "What woll ye dow, for shame of youre selfe! to the Qwene? Sheo is bot a womane. Let us go and sech the Kyng." And then not wityng wele what sheo did, or shuld do, for that ferfull and terribill affray, fledd yn hir kirtill, her mantell hangyng aboute hir; the other ladyes yn a corner of the chaumbur, cryyng and wepyng, all distraite made a pitous and lamentable nose with full hevy lokyng and chere.

And ther the traitours fought the Kyng yn all the chaumbur abowte, yn the withdrawyng chaumburs, yn the litters, undir the presses, the fourmes, the chares, and all other places, bot long they besily fought the Kyng. Bot they couth nat fynd hym, for they nether knew ne remembred the privay. The Kyng heryng of long tyme no noyse, ne stiryng of the traitours, wende and demyd that thay had all begone, cryed to the women that they shuld come with shettes, and drawe hym up owt of that uncleyne place of the privay. The women at his callyng came fast to the pryvay dore, that was nat shutt, and so tha opynd hit with labure. And as they were abowteward to helpe upe the Kyng, oone of the ladis, clepid Elizabeth Douglas, fell ynto the pryvay to the Kyng. Therwith oone of the said traitours, called Robert * Chaumbur, suppoisid varaly sith thay couth nat fynd, yn none of all the sayd chaumburs, the Kyng, that he of nessesite had hyd hym yn the pryvay. And therefore he said to his felawes, "Sirs" quod he, "wherto stond we thus idill, and lese owre tyme, as for the cause that we be cumne forehid? Cumith on furth with me, and I shall redily tell you wher the Kyng is." For the same Thomas * Chaumbur had bene afore right familier with the Kyng yn all places; and therfore knewe he wele all the pryvay corners of thoo chaumburs. And so he went forth streight to the same pryvay where the Kyng was, and persavyd wele an sawe how a plaunch of the flure was brokyn up, and lift hit up, and with a torch lokyd ynne, and saw the Kyng ther, and a woman with hym. Sayng to his felows, "Sirs the spows is foundon, wherfore we bene cumne, and all this nyght haf carold here." Therwithall oone of the said tirantes and traitours, clepid Sir John Hall, descendid downe to the Kyng, with a grete knyf yn his hand; and the Kyng, dowtyng hym sore of his lif, kaught hym myghtily by the shuldurs, and with full grete violence cast hym under his fete. For the Kyng was, of his parson and stature, a mane right manly strong. And seyyng another of that Hallis brethyrne that the Kyng had the betture of hym, went downe ynto the pryvay also, for to destroy the Kyng. And anone as he was ther descendid, the Kyng kaught hym manly by the nek, and cast hym above that other; and so he defowlid hem both

* Sic.

undir

undir hyme, that all a long moneth after men myght see how strongly the Kyng had holdyn hem by the throtes. And gretely the Kyng strogild with hem, for to have berevyd thame thare knyvyys; by the which labour his handis wer all forkute. Bot and the Kyng had bene yn any wise armyd, he myght well have escapid thare malice, by the lengthe of his fightyng with thoo ii false traitours. For yf the Kyng myght any while lengar have savyd hymselfe, his servantes, and much other peple of the towne, by sume fortune shuld haf had sume knowlege therof, and soo haf cumne to his socoure helpe. Bot, ellas the while, hit wol not be! Fortune was to hym adverse, as yn preferwyng of his life any longer.

Therwithall that odyus and false traitour Sir Robert Grame, seyng the Kyng labord so sore with thoo two false traitours, which he had cast undir his fete, and that he wer faynt and wery, and that he was weponelese, the more pite was, descenden downe also ynto the pryvey to the Kyng, with an horribill and mortall wepone yn his hand. And then the Kyng cried hym mercy. "Thow cruell tirant," quod Grame to hym, "thou hadest nevyr mercy of lordes borne of thy blode, ne of non other gentilman, that came yn thy dawnger. Therfor no mercy shalt thou have here." Thane said the Kyng, "I besech the that, for the salvacion of my soule, ye woll let me have a confessor." Quod the said Grame, "Thow shalt never have other confessor bot this same swerd." And therwithall he smote hym thorough the body, and therwithall the goode kyng fell downe, and lamentable with a pitous voyce he cried hym oft mercy, and behight to gyf hym half hys kyngdam, and much other good, to save his lif. And then the said Grame, seyng his Kyng and Soveran Lord ynfortuned with so much deseyse, angwesh, and sorowe, wold hafe so levyd, and done hym no more harme. The other traitors above, perceyvyng that, sayd onto the sayd Sir Robert, "We behote the faithfully, bot yf thou sle hym, or thou depart, thou shalt dye for hym on owre handys sone downtlese." And then the said Sir Robert, with the other two that descendid first downe, fell upon that noble prynce, and yn full horribill and cruell wise they murdrid hym. Ellas for sorow, that so ynmesurably cruelte and vengeance shuld be done to that worthy prynce, fer hit was reportid by true persons that sawe hym dede, that he had sixtene dedely woundes yn his breste, withowtyn many and other y dyverse places of his body.

And hit is reherfid and remembred, yn the historiall and trewe cronicles of Scotteland, that yn the self same place, by old tyme passed, there haf bene iii kynges of Scottes slayne*.

* A fable. Not one king is commemorated as having been slain at Perth.

And

And whene this abhominable and horrible homycidie, and false treason of this cruell murdur, was thus done, the said traitours fought the Qwene; and yn thare furous crueltye wold hafe slayne her, yn the same wise. Bot God, of his grace and goodnes, preservyd and kepe here owt of thare handis. And upon this the noyse arose, and sprang owt, both ynto the courte, and ynto the towne, of that horribill doying and faite, of that at the said traitours hadde done. And anone forthwith all the Kynges servantes, that were logid yn his said court, and all the other peple of the same towne, with oone will and oone assent, as the Kynges trewe men, and his liege subjectes, comone with force and armes, with many a torch, and other lightis, and approached the Kynges court. And whene the traitours hard the noyse and ro-more of those comones, thay with all hast possibill fled. Bot yit yn thare withdrawyng, or thaye were fully passed the diches of the Kynges place, a worthy knyght that was called Sir Davy Dunbarre, he allone, ascried and pursued hem, and with his owne hand sloghe oone of hem, and another he sore woundid. And as he faught with them yn thaire fleying, thay kut of thre of his fyngurs of his oone hand, and sore woundid hym upon his hed. And thay slogh an other yong mane of the Kyngys chaumbur, that was good grome.

And yn this wyse Sir Robert Grame, with all the other traitours, escapid, and droghe hem to the cuntreth of the Wild Scottes. And thay said amonges hemselfe, "Ellas why sloghe we not the Qwene also; for and we had so done we shuld have bene out of muche disease, and trobill, which we bene now lich to have. With here we have cause gretely to drede here, lest sheo woll pursue, and labour for to do vengeance upon hus." And soth hit was the Qwene did suche diligence and pursuet, ayanst the said felonouce traitours, that withyne a moneth next astir that so abhomynable murdure, thay were all takyn, and byhedid at Edynburghe. The Qwene did hirselfe grete worship for here trew acquitable. Hit hath not oft beene sene, so so-deynly vengauce takyn upon so horribill and a cruell ded.

For furst was takyn Sir Robert Stuard, and Cristofere Chaumbur, and lad ynto strong prisone withyne the Castell of Edynburgh; and after by the sentance of the law thay were drawne, and hangid, and quarterd. Furst ther was ordenyd a cart, wherupon was set a crose of grete heght, that was maid of tree. To the which crose the said Robert Stuard was fast boundon, stondyng upright all nakid, boundon to the bak of the same, nothyng upon hem bot thare pryvay clothes. The hongman there stondyng above with hem, havyng in his handis a paire sharpe tangis, with the which he twitched and all to tare thare skynne and flessh, that the blode yn full grete quantite ranne downe from hem, that pite was to see. For thay suffird patiently all the cruell paynes of turmentrye, that thay put hem to; and said unto the
said

saïd hongman, "Dowe whatever ye will, for we bene gilty, and haf
 "well deservyd hit this payneful deth, and inwyse, and muche more."
 And thus wer thay ladd, pynched and payned, by all the stretes, and
 thorowe oute Edynburgh. At the last thay lad on hegh, afore the
 Counecell-hows, clepid the Gildhall, there abydyng an oure and more,
 that all the peple myght behold and wondir on hem. After that
 thay were drawin with horsses, all the towne, till thay cam till a place
 wher was set ane heghe ynstrument of tymbire, upon which balastriars
 and bowyers usyn to hong thare harnysshid bowes to drie ayanst the
 sunne. Where the sayde hongman toke a rope, and knyt hit fast aboute
 thare birstes, undre thaire harmeholes, and drew hem to the heghest
 place of that ynstrument; and thay there so hongyng confessid opunly
 to all the world all the conspiracyon of the Kynges dethe, from poynt
 to poynt. And from theise thay were caried ynto the middis of the
 marketh place there, where was ordyned an hie skaffald, upon which
 with an old rusty axe the saïd hongman smot of thare hedes, and
 there quartard hem. And yn this wyse was exsecucion done upon
 hem bothe, and thare heddes set upe of the gates of Sent Johannes
 Towne.

Soone after this was takyn the Erle of Athetelles, by the Erle of
 Angwis; and laid ynto the castell of Edenburghe to prisone. This
 same Erle of Athetelles was endited, arreyned, and dampned. Bot
 bycause of that this was nighe the feste of Pascue, the crosse was takyn
 adowne; and he lad to the polour yn the towne, and ther was he fast
 boundon, and a corone of papir put upon his hed, the which was all
 abowte depaynetid with jubettes, and for the more dispite and shame
 to hym was writyne with thes wordes, TRAITOUR, TRAITOUR,
 TRAITOUR. The Busshope of Urbinate, legate of owre Holy Fadir
 the Pope, then beyng in Scotteland, upon his ambassite, hard thare
 confessions. And then evyn forthwith the saïd Erle of Athetelles was
 heded; bot he went alwas to have grace and pardon, unto the tyme
 that the hangman had hym upon the skaffald, to be there and then hedid.
 For he confessid, and saïd that he was not yn no wyse consentyng ne as-
 sentyng to the Kynges deth; but that he knew therof long, and kepte
 hit counesell, bycause that Sir Robert Steward, that was oone of the
 grettest traitours, was his sonnes sonne, and therefore he told hit not to
 the Kyng. Bot yit nevyre the lesse when this Sir Robert wist therof,
 and told hit to the Erle of Athetelles of the Kynges deth, he blamyd
 hym fore, and defendid hym that in no wyse shuld he be consentyng
 to none such murdure of his Soveran Lord: weynyng veraly that nether
 he, ne none of all the other, the which bene reherfid afore, wold
 never have done that murdure yn effecte. And so the saïd Erle told,
 and confessid, at his lyvys end; and his hed, coroned with a corone
 of yryne, stondyng upon a spere shaft yn the myddis of Edenburghe.

After

After this Sir Robert Grame, with many other traitours of his coveene, beyng in captyvyte, were ladde to the towne of Strivellen, and there were thay tourmented and put to the deth. The said Sir Robert Grame stondyng there, at the wher he was tofore enditid of treison afore the Justice and the lawe there, upon his araynment, said playnely that thay had no lawe to do hym to deth, for he said he had nat offendit, bot slayne the Kyng his dedely enmye; for by his letturs, sealed with his seale of armes, long tyme afore he had defyed the Kyng, and renouncid his legeaunce, for causes reasonables as he said. And yf thay wold do hym lawe after the statuytes of armes, thay shuld delyver hym, and let hym go qwite, bicause the Kyng wold have destruyd hym yf he had myght. And thus yn that he said he did no wrong nor synne, bot ooly that he sloughe Godes criature, his enemye. All thes reasons nether couth ne myght suffice for his excuse, the which he perceyvyd wele yn all wise of thare wirchynges. This same Sir Robert Grame, with manly hart and wele avysid, as a mane wele ynstruete yn lawe and letture, said thes wordes standyng at the bare afore the Juges, all the peple there assembled for that cause the selfe tyme. "O ye all so synfull, wretched, and mercilesse Scottishe folke, withoute prudens, and full replet of unavysid folie, I know wele that I shall nowe dye, and ma note escape youre venomous judiciall handes; for by will, and not be right ne lawe, ye have dampned my bodye to the dethe, the which God suffrethe me at this tyme to resave of you, for no defairt of this accusacion that ye condempne me ynne nowe, bot for other offences and trespas, that I yn the vayne tymes of my youth have displeasid hyme ynne. Yit dout y nat that ye shall se the daye and the tyme, that ye shall pray for my soule, for the grete good that I have done to you, and to all this reaume of Scotland, that I have thus slayne and delyveryd you of so cruell a tirant, the grettest enemye the Scottes or Scotland myght have, confideryng his unstaunchable covetise, yn his youth, ayenst all nature, his tyrannye ynmesurable, without pite or mercy to sibbe or to frende, to hie or to lawe, to poure or to riche."

All thes thynges the said Sir Robert Grame, with many other ynconveniencies, he reherfid there ayenst the Kyng; the whiche reherfale wole be ynne Scotteland many a yere here after. For he was a mane of grete hart and manhode, and full discrete, and a grete legifter of lawe positive, and canone, and civile bothe. Yit for all that, at the last he was dampned there by the Juges of the deth. This was the sentance of the jugesment there shuld be brought a cart, yn the mydward of the whiche there shuld be sette fast a tree uperight, longer then a mane; and with that same knyf that he sloughe the Kyng withall, was his hand all upon heghe nalyd fast to that tree, and so was he

had thorough oute the towne. That edoone the hangmane was commanded, with that same knyfe, to kut of that hand frome the arme. After that he was nalyd nakynd, as he was first borne of his modir, drawen thurgh the towne withowte coerture of any parte of his body, as nature brought hym forth from his modirs wombe, and yn the same wise ladd thorgh all the stretes of that towne; and the tourmentours on every side hym, withe hookid ynstrumentes of yryne, fuyre hote all red glowyng, thay pynchid and twynched his theghis, his legges, his armes, his sides, his bake, his shuldurs, his neke, his wombe, and over all his body, that was full seke and pitous to loke upon, wher thay suppoisid most to anoye hyme and greve, that hit was to any mans kynd to sorofull and pitous sight, and to abhomynable to se. With the ymportible payne of turment, he cried then pitously withe dedely voice, for the panys and passions that he so suffird, sayng to them that thay did that durise to hym ayenst the lawe; "this that ye done
 "to me is oonly by rigoure of ynnemesurable tyrannye. All the world
 "may clepe you Scottes tirantes, for manekynd may not withe the
 "lif suffur ne yndure the paynefull and tiranuous tourmentrye that ye
 "put me unto. I doute me full sore that, and ye contynue thus youre
 "tourmentes upon my wretched person, that for the payne ye will
 "constrayne me to renye my Creature. And yf I so doo I appell you
 "afor God, the Hie and Chyf Juge of all manekynde after there
 "desertes at the unyversal dome, that ye bene the varay cause of the
 "losse of my saule."

Thurgh the whiche speche some of the Lordes, so abidyng upon the execucion of this said Sir Robert Grame, moevyd of pite let tak him doune. And as he was all nakyd lappid yn a rough Scottishe mantell, and cast hym ayane, with a grete violence, ynto fore and full hard prisone.

In the meane tyme many of the other traitours were boweld all qwik, and afterward were quarterd, as wele thay that receyvid the said Sir Robert, as thay that were with hym. Whane the exsecution of the said traifon was done, and many of tha that were with hym att the day of the Kyng confessid, whane thay were spokyne to go with the said Sir Robert Grame, hit was not told unto hym of no purpos that was takyn for to destruye the Kyng, and put hym to dethe; bot hit was said unto hem that thay shuld go with hym, to ravishe a faire lady oute of the Kynge's house, whame the said Sir Robert Steward shuld have weddid the next day folowyng.

And after this thay ladd aftounes the said Sir Robert Grame to the place where he shuld dye. And sodeynely thay droughe away the mantall, to the which all his woundes were hardyned, and clave fast with his blode dried therto; forwith the said payne he fele doune yn a swonyng, and so lay along on the ground more than a quarter of an owre. And then he revivid, and qwykynd ayane, feyng that

that ryvying away so sodeinly and rudely of that mantell was to hym gretter payne than any other that [he] had suffird afore. And after this, for the more grefe and sorow to hyme, thay boweld his sonne all quyke, and quarterd hym afor his eene, and drewe owt his hart of his body: the which harte lepe thrife more than a fote of heghte, after hit was drawen owte of his body: and yn semblable wise the hangmane droughe owte all his bowelles, and quarterd hym, and many other moo after hyme.

Bot the last of all Thomas Halle was hedid; for as hit was knawen and veraly wist by proof he was the pryncipall and the fynell cause of the Kynges deth. The sayd Chaumbur had the strengyft hart of all the other, for he never repentid hym of the Kynges deth. The hede of hym, and the right hand, stonde faste nalyd at Edenburghe, undir the Erles hede of Athetelles.

And thus endyn thes sorofull and pitous cronycles: and all mene saye that the unfacionable covetise was the ground and cause of the Kynges dethe. Therefore prynces shuld take hede, and drawe it to thare memorie of Maistre Johanes de Moigne counsell, thus said yn Frenche langage, *Il nest pas fires de son pays, quy de son peple n'est amez*, the which is thusmuche to meene, yn oure Engleshe tonge, 'A grete prynce may have no more vice, ne hyme to greve thanne a varite. He nys no lord yn his cuntre, that of his mene hath no lufe.' Leve ye me,

For wele may he be called a Lord,
Wham that his peple love of record.
Merk this wele I you beseche.
Adieux. To God I you betече.

And thus nowe here endethe this most pitevous cronicle, of th'orribill dethe of the Kyng of Scottes, translated oute of Latyne into oure moders Englishe tong, bi youre symple subget John Shirley, in his laste age, after his symple understondyng, whiche he recommendethe to your supportacione and correccion, as that youre gentilnese vowchethe safe for his excuse, &c.

N^o XIV. *Coronation Oath, and Oaths of fidelity and homage,*
1445*. Ms. Harl. 4700.

Forma Juramenti Regis suis tribus statibus, &c.

I SALL be lele and trew to God and Haly Kirk, and to the Thre Estatis of my realm. And ilk estate kepe, defende, and governe, in thair awn fredome and privilege, at my gudly power, eftir the lawis and custumis of the realm. The law, custume, and statutis of the realm, neyther to eik, nor to myniss, without the consent of the Thre Estatis. And nathing to wirk, na use, tuiching the commoun proffit of the realm, but consent of the Thre Estatis. The law and statuts, maid be my forbearis, keip and use in all puncts, at all my power, till all my leigis in all things, sa that thai repung nocht agane the faith. Sa help me God, and this halydome, &c.

Forma fidelitatis prelatorum.

I fall be lele and trew to you, my Liege Lord, Schir James King of Scottis. And fall nocht heir your scaith, nor se it, but I fall lat it, at all my power, and warn you therof. Your consell heil that ye schaw me: The best consale I can to gif to yow, quhen ye charge me *in verba Dei*. And als help me God, and haly ewangelis &c.

Juramentum Baronum, et ipsorum homagii juramentum.

I B. becumis your man as my King, in land, lif, licht, and lym, and warldlis honour, fewtie, and lawtie, aganis all that leif and dee may; your consale celand that ye schaw to me. The best consale gevand, geif ye charge me. Your scaith nor dishonour to heir, nor se, bot I fall lat it, at all my gudlie power, and warn yow therof. Sa help me God &c.

Forma fidelitatis Juramenti Regi.

I fall be lele and trew to yow, my Liege Lord, Schir James King of Scotland. I fall nother heir your scaith, nor se it, bot I fall lat it at my power, and warn you therof. Your consell schewin to me I fall conceille. The best consall I can I fall gif yow, quhen ye charge me therwith. Sa help me God &c.

* See page 160 of this volume. In the ms. of our old laws here quoted these curious forms occur just before the Schip Lawis.

Thir foirsaid aithis wes maid in the parliament begunnyng at Perth, the xiiij day of Junij, the yer &c. xlv, and continewit to Edinburgh, as eftir followis. Thair wes gevin dome apoun the King's rebelloris. Schir James Stewart knyght wes lauchfully summond to compeir befor our foveran lord the King, and his parliament, for cryme committit till his Majestie, and for rebelloun: quhillk summonds lauchfully previt, and he divers tymis callit, and nocht comperit, The parliament has decretit and determynit that all and findry movable guds, lands, and possessiouns, pertening to him, ar the King's eschet, less than he be cum within yeir and day, and underga the law, and that wes gevin for dome *, &c.

* Follow the oaths of baillies, and burgesse, of fidelity to the king, and to the interests of the town, &c. The clofe of the baillie's is, "Sa help me God, and myn awn hand, and this halidome, and all halydomes, and all that God maid on vi days, and vii nychts, under erd and abone."

No manner of person shall entercomon with any Englishman or woman, either in England or Scotland, nor with any prisoner that shall enter into Scotland, without special licence of the Warden, or his deputie.

When any host entereth into Scotland *, yf any for covetousnes depart from the host, the goodes that he getteth shall be to the go-vernour, or devidid amongst the compaynes; and himself to be used as a traitor.

Yf any doe depart from his lord or master, in his outgoing or home coming, shall be deemed a traitor.

No person shall scale, or forsey, without direction of the chief taine, nor speake with any Englishman without leave of the governour of the host, under paine of treason.

When the host sleighteth yf any contrarie to commandment remaine on horseback, this offence is treason; and the goodes which such offenders gett, or prisoners which they tak, the two parts shall be his masters, and the third the governour's of the host.

The hinderers of ordering the host, and disobedience to the officers appointed for that purpose, (sic) †

After that the Scots intend an invasion into England, or the English- men into Scotland, whosoever lett his prisoner passe out of Scotland to goe home into England, shall be deemed a traitor.

In any chace yf any tak his fellow's horse, and either pursue wherbie he takes prisoners or other goodes, the owner of that horse shall have the moiety: which horse yf the taker bring him not back, and tye him to the flak where he found him, yf is treason, either

† Treason. see Hall. 4700.

* See England.

N^o XV. *Ordinances of War, issued by William earl of Douglas in 1448.* Titus F. XIII, f. v. 39.

The Statuts of Scotland to be observed in time of warr, &c. sett downe at Linclodane, by all the lords, freholders, and best borderers of Scotland, Anno Domini 1448; by the comaundment of Earle William of Duglasse, which were used in the time of black Archibald of Duglas, and Archibald his sonne.

Earle William of Duglasse caused all the lards and borderers to swere, that they shoud observe and keepe &c. the statuts ensuinge.

Earle William of Duglasse, the lords, and eldest borderers, made certane offences treason &c. which were nocht treason before.

No manner of person shall entercomon with any Englishe man or woman, either in England or Scotland, nor with anie prisoner that shall enter into Scotland, without speciall licence of the Warden, or his deputie.

When ane host entereth into Scotland*, yf anie for coveteousnes depart from the host, the goodes that he getteth shall be to the governour, or devided amongst the complaynees; and himself to be used as a traitor.

Yf anie doe departe from his lord or maister, in his outgoying or home comyng, shall be deemed a traitour.

Noe person shall steale, or forrey, without direction of the chieftaine, nor speake with anie Englishman without leave of the governour of the host, under paine of treason.

When the host alighteth, yf anie contrarie to comaundement remaine on horseback, this offence is treason; and the goodes which such offendours gett, or prisoners which they tak, the two parts shall be his maisters, and the third the governour's of the host.

The hinderors of ordering the hoste, and disobedience to the officers appointed for that purpose, (*sic*) †

After that the Scotts intend an invasion into England, or the Englishmen into Scotland, whosoever lett his prisoner passe out of Scotland to goe home into England, shal be deemed a traitour.

In anie chace yf ane tak his fellowe's horse, and either pursue wherbie he takes prisoners or other goodes, the owner of that horse shall have the moytie: which horse yf the taker bring him not back, and tye him to the stak where he found him, yt is treason, ether

* Sic. England.

† Treason. ms. Harl. 4700.

fee yf assone as he comes home, he proclame not that horse att the market crosse, and deliver him to the sheriff or steward of that place, it is treason.

Whosoever after he be once in the field departe, and abideth not the uttermost, his goods are forfeited, and he shall be deemed a traitor.

Whosoever receaveth a prisoner's horse, or other goodes from anie, after it be known to appertene to him, shall restore them againe, and be reputed a traitour.

Yf anie traitor be apprehended, and fraudulentlie enlarged, this offence is treason; but yf he be brought to the Warden, the bringer of him shall be rewarded with v lib*.

* Not to swell the appendix unnecessarily this old abstract is given; the ordinances at large, dated Lincluden 18 Dec. 1448, may be found in the body of the Scottish Laws, ms. Harl. 4700.

N^o XVI. *Extracts from the Chamberlain's Roll, anno 1449.*
Register Office, Edinburgh.

Note. Part of this Roll also is lost.

COMPOTUM Patricii Lawmondoun, Coronatoris de Cowell, et Receptoris firmarum terrarum Domini Regis, infra Dominium de Cowell, Reddit. apud Linlithgw, die ultimo mensis Junii, Anno Dñi, &c. quadragesimo nono, de omnibus Receptis suis et expensis, per firmas et exitus dictarum terrarum Domini Regis dicti Domini; a die vicesimo nono mensis Augusti Anni Dni, &c. quadragesimi Octavi, usque in diem hujus Compoti.

Idem Compotans onerat se inprimis de lv f. v d. ob. pro Arierag: ultimi Compoti, sui, ut patet in pede ejusdem.

Summa Arierag: patet.

Item, Idem Compotans onerat se de xviii. li. de firmis terre de Dun-
nune de duobus terminis infra hoc Compotum. Et de xiii. li. vi f. viii
d. de firmis tercie partis terre de Glenrowell, de dictis duobus terminis
infra hoc Compotum.

Summa hujus Oneris xxxi li. vi f. viii d.

Item, Idem onerat se de xliiii Martis pro firmis duarum partium dicte
terre de Glenrowell, de dictis duobus terminis hujus Compoti.

Summa hujus oneris patet.

Item, idem onerat se de xxxi li. iiii f. iii d. de firmis terrarum quon-
dam Duncani Lawmondoun, tam in proprietate quam in tenandia, in
manibus regis existen. ratione warde, per mortem quondam dicti Dun-
cani, de duobus annis hujus Compoti. Et de liii f. iiii d. de firmis
terre de Collart, in manibus Regis existentibus ratione warde, per
mortem quondam Gilberti de Galbraith de termino pentecostes ultimo
preterito.

Summa hujus oneris xxxiii li. xvii f. vii d. Summa tot: one-
racionis preter arierag: lxxv li. iiii f. iii d. xliiii martis.

Summa tot: oneracionis cum arierag: lxxvii li. xix f. viii d.
ob. xliiii Marts.

Et

Et non onerat se de aliquibus aliis wardis, releviis, maritagiis, finibus, aut Eschaetis; nec de Curiarum Suarum exitibus, quia nichil plus accidit per tempus Compoti ut asserit Compotans in suo Juramento.

Expen: Eiusdem. In primis alloc. Compotans per receptionem Roberti de Calentare pro Custodia turris de Dunnune, de anno Compoti xviii li. Et per receptionem eiusdem Roberti de Calentar de firmis tercię partis terre de Glendrewel, de duobus terminis hujus Compoti, in partem solucionis pensionis sibi assignat. pro custodia Castri de Dunbertane xiii li. vi s. viii d. de quibus omnibus dictus Robertus respondebit. Et allocat: eidem de firmis terrarum M'chorle Jacen. infra vic. de Ergaile, que est tenendia quondam Duncani Lawmondsoun, recept. per vicecomitem de Ergaile, de duobus terminis hujus Compoti, existent. in manibus Regis, ratione warde, v li. vi s. viii d. pro quibus idem vicecomes respondebit.

Summa Expenfar. xxxvi li. xiii s. iiii d. Et sic restat xxxi li. vi s. iiii d. ob.

De qua Summa Compotans dicit se satisfecisse Roberto de Calentare supra dicto, in partem pensionis sibi debet. pro Custodia Castri de Dunbertane, sub periculo Compotantis, lv s. v d. ob. de quibus idem Robertus respondebit. Et allocat Compotans per receptionem eiusdem Roberti, de firmis terre de Collart, in manibus Regis existent. ratione warde, ut supra, liii s. iiii d. pro quibus eciam idem Robertus respondit. Et alloc. eidem per solucionem factam Roberto de Levyngstoun, Compotorum Rotulatori, ad Expen. Domicilii, per receptionem clerici Registri, xxiiii li. xvii s. vii d. de quibus idem Rotulator respondebit.

Summa hujus Alloc. xxx li. vi s. iiii d. ob. Et sic debet Compotans, de claro, xx s. xliiii martas.

COMPOTUM Nigelli Jacobi, Camerarii de Bute, et de Arrane, reddit. Apud Linlithgw, nono die mensis Julii, Anno Dñi, &c. quadragesimo nono, de omnibus receptis suis et expens. per firmas et exitus terrarum Domini Regis de Bute, Arane, et de Cumbray, a die penultimo mensis Augusti, Anni Dni, &c. quadragessimi Octavi, usque in diem hujus Compoti. Et sic de duobus terminis infra hoc Compotum.

Idem Compotans onerat se, &c. &c.

Expen. eiusdem. In primis allocat Compotans per solucionem factam duobus Capellanis, celebran. in Castro de Bute, et in Capella Sancte Brigide extra Castrum, infeodatis ab Antiquo percipien. Annu-

APPENDIX.

atim de firmis dicte Insule de Bute, duodecim libras quinque solidos et quatuor denarios, in plenam Solucionem feodorum suorum de Anno Compoti, ut patet per literas dictorum Capellanorum de recept. onerosas super Compotum, xii li. v s. iiii d. Et Constabulario Castri de Bute, percipien. Annuatim de firmis supra dictis, pro feodo suo, quinque libras in plenam solucionem dicti feodi sui, de Anno Compoti v li. Et Janitori dicti Castri, percipien. Annuatim quadraginta solidos, pro feodo suo, in plenam solucionem dicti feodi sui, de Anno Compoti xl s. Et Granitario de Bute, pro feodo suo de Anno Compoti xl. s. Et duobus Vigilibus, pro feodis suis per idem tempus, xiii s. iiii d. Et Custodi Insule de Littel Cumray, pro feodo suo per idem tempus, xx s. Et Camerario de Bute et Arane, pro feodo suo per idem tempus, vii li. Et Janitori, Granitario, duobus Vigilibus et Custodi de Littel Cumray supradictis, percipien. Annuatim quinque Celdr. farine Avenatice prec. Celdr. xxii s. in plenam Solucionem duorum terminorum Compoti viii li. Et alloc. eidem, de firmis terre de Stowlogmor, et Donacione Regis facta Christino Leche, ut patet per literas Regis sub Signeto direct. Compotan. usque ad contrarium mandatum duratur: Als onerosas super Compotum de Anno Compoti iii li. vi s. viii d. Et per alloc. factam husbandis Insularum de Bute et de Arane, pro quadraginta Mailmartis receptis ab eisdem, de Anno, &c. quadragesimo nono, et liberat. Roberto de Levyingstoun, Compotorum Rotulatori, ad expensas Domicilii Regis allocand. pro qualibet marta quinque solidos, x li. de quibus martis respondebit. Et de firmis terre de Barrone, Allocat. Johi Scot Cursori Dni Regis, in partem solucionis feodi sui, xvi s. viii d. Et eidem Johanni Scot, in Complementum feodi sui de Anno Compoti, xxiii s. iiii d. Et Eugenio Scot Cursori Regis, pro feodo suo de Anno Compoti xl s. Et allocat. Compotan. pro Agitatione dictarum quadraginta Martarum de Bute et de Arane ad le Torwood xx s. Et allocat eidem de firmis terrarum de Peñycastel, Knokan, Rawneger, Correknokdow, Cranschant, Knokankelly, et Glaftere, assignat. Willmo Stewart, pro Custodia Castri de Braithwik, de Anno Compoti viii li. xvi s. viii d. Et allocat Compotan. per solucionem factam Roberto de Levyingstoun Compotorum Rotulatori, ad expens. Domicilii Regis, ut patet per literas suas de recept. onerosas super Compotum xxxvi li. de quibus respondebit. Et allocat eidem per solucionem factam Roberto de Levyingstoune Compotorum Rotulatori, ad expen. Domicilii Regis super Compotum per receptionem Clerici Registri xl li. de quibus respondebit. Et per solucionem factam Johi Stewart Vicecomiti de Bute, nunc defuncto, pro feodo suo in Officio Vicecomitis de Bute, percipien. per Annum per Cartam Regis Roberti Secundi, pro tempore vite, Sexdecim libras tresdecim Solidos et quatuor denarios, in plenam solucionem feodi sui de Anno Compoti, Jacobo Stewart filio ejus primogenito fateñ recept super Compotum xvi li. xiii s. iiii d. Et per solucionem factam predicto quondam.

quondam Johi Stewart, percipien. Annuatim pro Custodia Castri de Rothsay quadraginta libras, in plenam solucionem dicti feodi sui, de Anno Compoti, prefato Jacobo faten. recept. super Compotum xl li. Et allocat eidem de firmis terrarum de Loche de Katagill, duarum Couregithes, Peñy reach, Altgowloch, Macharmor, Achagallane, et Machirbeg, in Insula de Arane, occupat. per Reginaldum M'Alexander, de Anno Compoti xiiii li. vi s. viii d. Et alloc. eid. de firmis predict. terrarum predictar. occupat per dictum Reginald, que non fuerunt sibi alloc. de Anno, &c. quadagesimo Octavo xl s.

Summa Expen. ii c. xiiii li. ii s. et Sic Restat vii li. xi s. iiii d.

Item, Idem Compotans de Ordeo onerat se in primis, &c. &c.

Expen. ejusdem. In primis allocat. per liberacionem factam Roberto de Calentare, Capitaneo Castri de Dunbretane, in undecim celdris, et duabus bollis ordeï, sibi venditis et deliberatis, de mandato Compotorum Rotulatoris, faten. mandatum super Compotum, de quibus dictus Robertus de Calentare dedit Compotum celdra sibi vendita pro quatuor libris xi celdr. ii boll. ordeï. Et allocat Compotan. pro quatuor libris pecunie recept. per Compotorum Rotulatorem pro una celdra ordeï, i celdra ordeï, pro quibus quatuor libris idem Rotulator respondebit. Et pro ordeo Grassume terre de Scoulogmor, remis. per Regem Cristino Leche de Anno Compoti, v boll. ordeï. Et Compotan. pro feodo suo de ordeo utriusque Insule, sibi ut asserit Annuatim per suum juramentum debet. i celdr. viii boll. ordeï. Et per remissionem factam Johi Scott Cursori Regis, ex gratia et elemosina ejusdem, de ordeo debito de terra quam habet ad firmam de Anno Compoti, i boll. i s. ordeï. Et allocat eidem de ordeo grassume terre de Cranschaunt, et de Knockankelle, vii boll ordeï Wmo. Stewart. Et de ordeo debit. de terris quas occupat Reginaldus M'Alexander, in Insula de Arane, qui nichil vult Solvere Compotanti, vii boll. ordeï.

Summa Expensar. &c. &c.

Item, idem Compotans de Male marts onerat se inprimis de xxxvii martis, ii quartar. unius marte, pro Arrerag. ultimi Compoti sui, &c. &c.

Expens. ejusdem. Inprimis alloc. Compotans per liberacionem factam Roberto de Levingstoune Compotorum Rotulatori, ad usus et expen. Domicilii Regis, faten. Recept. super Compotum xl. martes, pro quibus respondebit; et pro feodo Constabularii Castri de Bute de Anno Compoti, ii martes. Et Janitori Castri de Bute, pro feodo suo de Anno Compoti, i mart. Et Camerario de Bute pro feodo suo de

Anno Compoti ii mart. Et de terris assignatis Willmo Stewart de Anno Compoti ii martes cum demid. marte. Et de terris quas habet Constabularius Castri, pro feodo suo de Anno precedente hoc Compotum, in quo nunc fuit sibi Allocat. i mart cum dimid. Et de Anno hujus Compoti i mart cum dimid. marte. Et ex elemosina Regis, et consideratione Auditorum, Johanni Scot Cursori Regis, de terra quam habet ad firmam i marta. Et de martis debitis de terris quas occupat Reginaldus M^rAlexander, in Insula de Arane, iiii marts et i quart unius marte.

Summa Expensarum lv marte et iiii quartar. unius marte. Et sic restant xxxix marts et ii quartar. unius marte.

COMPOTUM Johannis de Fisse, Receptoris Reddituum et firmarum Domini nostri Regis, infra Vicecomitatus de Aberdene et de Banff, reddit apud Linlithgw die vicesimo tercio mensis Julij, Anno Dni, &c. quadragesimo nono, de omnibus Receptis suis et expensis, per firmas, exitus et redditus terrarum Dni Regis infra dictos Vicecomitatus, a decimo sexto die mensis Septembris, Anni Dni, &c. quadragesimi octavi, usque in diem hujus Compoti.

Idem Compotans onerat se in primis de i c. lix li. viii s. ii d. ob. pro Arrerag. ultimi Compoti sui, cum quibus summis fuit oneratus in ultimo Compoto suo, in quo nec exposuit, nec se in aliquo exoneravit, ut patet in pede dicti Compoti sui.

Summa Arrerag. patet.

Item, Idem onerat se de xx s. de firmis terre de Kynnardy, existent. in manibus Regis ratione warde, dempta tercia debit. sponse quondam Gilberti de Haia, et secundis decimis debitis Domino Episcopo Aberdonen. de termino Beati Martini ultimo preterito. Et nunc de termino Pentecostes ultimo preterito, quod dicti quondam Gilberti heres viz. Andreas de Haya recuperavit sayfinam ante Pentecost. Et de xxxvi s. de firmis tercie partis terre de Rothybrislane, que fuit Sponse quondam Johannis Duncani in warda existent. dempt. secunda decima debit D^{no} Episcopo Aberdonen. de Anno hujus Compoti.

Summa hujus oneracionis lvi s.

Et Memorand. quod terre de Bochrum et de Kyninmonde, jacen. infra Vicecomitatum de Banff, sunt de proprietate Domini Regis, et quondam concessę domino Willmo de Forbes, et nunc sunt occupate per

per Dominum Comitem de Huntlé. Super quibus consulendus est Rex. Et terre de Abiryheldy, que sunt de proprietate Regis, infra Vicecomitatum de Aberdene, et jacent in Stradee, et occupat. per dictum Comitem. Et quod terre de Blareschenoch valent annuatim Decem libras. Et unus Annuus Redditus quinquaginta trium solidorum et quatuor denariorum, in Culane, sunt de proprietate Regis, infra Vicecomitatum de Banff, per Eschaetam quondam Dni Willmi de Lindsey, et conceduntur Johi de Alloway.

Summa totalis oneracionis, 1 c. lxii li. iiii f. ii d. ob. cum Arreragiis.

Expenſe ejusdem. Inprimis allocat Compotans per remissionem factam per Regem Willmo de Setoun, de Relevio terrarum de Aldmeldrum, debit. per Saifinam datam Sponse dicti Willmi, xiii li. vi f. viii d. Et per remissionem factam per Regem Domino Alexandro Comiti de Crawford, de relevio terrarum suarum de Tulybrothoch, et de Tulynahilt ix li. Et per solucionem factam Roberto de Levyngstoune Compotorum Rotulatori, ad expen. Domicilii Regis, per Receptionem Clerici Registri super Compotum, xxvi li. xiiii f. iiii d. de quibus respondebit. Et allocat eidem pro secundis Decimis quadraginta librarum de tribus partibus relevii terrarum de Aldmeldrum prescript. debit. Dño Episcopo Aberdonen. iiii li. Et de duabus marcis, pro quarta parte relevii dictarum terrarum de Aldmeldrum, satisfaciet Domino Episcopo Willmus de Setoun, et ejus Sponsa. Et allocat. Compotans pro secundis Decimis debitis Domino Episcopo Aberdon. de relevio terrarum de Uldny, per Saifinam Datam Reginaldo de Uldny, xxvi f. viii d.

Summa Expensarum liiii li. vi f. viii d. Et sic restat 1 c. vii li. xvii f. vi d. ob.

N^o XVII. *Letter James II to Charles VII of France, 8 July, 1455.*

Lucæ D'Achery Spicilegium, five Collectio Veterum aliquot Scripto-
rum, &c. Editio nova à De la Barre. Paris 1723, fol. Vol. III.
p. 801*.

Jacobi Scotiæ Regis ad Carolum VII Regem Francorum.

CHRISTIANISSIMO et excellentissimo Principi, Carolo Dei gra-
tia Francorum illustrissimo Regi, fratri, et confœderato nostro aman-
tissimo, Jacobus eadem gratia Rex Scotorum, cum recommendatione
ac dilectione votivis, feliciter triumphare. Christianissime Princeps,
frater et confœderate amantissime, Ambassiatam nostram ad vestræ
Majestatis præsentiam nuperrime destinatam, Reverendum videlicet in
Christo patrem Thomam Episcopum Candidæ Casæ, Joannem domi-
num Lindeffay de Byris, nostrum consanguineum, et Joannem Arons
Archidiaconum Glasguensem, decretorum doctorem, nostros Confilia-
rios intime confisos, cum suis litteris credentiis, et aliis ex parte nostra
commisissis, ad eandem vestram Majestatem credimus pervenisse; ac
ipsam de nostra prosperitate, et Regni nostri statu, potissime vero de
rebellione Jacobi olim Comitis de Douglas, suorumque fratrum et com-
plicium, deque ipsorum nefandissimis proditiionibus et conspirationibus,
contra nostram Majestatem; de iis saltem, quæ ante ipsorum ambaxia-
torum recessum, per eosdem proditores gesta fuere, ad plenum infor-
masse. Verùm quia Vestram Christianissimam Majestatem de nostris
votivis successibus semper audire, et certiorari avidam fore cognoscimus,
præfati Jacobi, suorumque fratrum et complicium, sinistros eventus
novissime recurrentes, presenti scripto duximus explicandos.

Dum enim præfati conspiratores in suis maleficiis, induratis animis,
perseverarent, nos ad castrum de Abercorne, quod dicto Jacobo per-
tinebat, respicientes, attendentes etiam quòd illud nobis verisimiliter
magis nocere poterat, pro eo quod Regni nostri pomerio de facile resisti
poterat, idcirco illuc cum nostro exercitu, in hebdomada Paschali,
personaliter nos contulimus; ibidemque fixis tentoriis obsidionem fir-
mavimus, et ab eodem non recessimus, donec infra unius mensis spa-
tium, turribus ejusdem castri per circuitum ex continuo machinarum
ictu collapsis, per insultus, scalas, et arma bellica, muros ipsius poten-
ter ascendimus; ipsiusque adversariis resistere minime valentibus, ce-

* Apparently from the French archives.

pimus, et ad terram funditus prosterni fecimus. Principales vero rebelles, qui in eodem castro inventi fuerunt, poena suspendii justificavimus; cæteris vero minoribus, qui nostram misericordiam implorabant, vitam gratiose concessimus.

Præfatus vero Jacobus, nobis circa dicti castri obsidionem occupatis, videns se auxilio et assistentia subditorum nostrorum fidelium destitutum, infra limites regni nostri expectare non audens, ad partes Angliæ, quatuor quinque personis associatus, se contulit: tribus fratribus suis Archimbaldò videlicet Comite Moraviæ, Hugone Comite de Ormonde, et Joanne de Douglas de Balvany juniore, in fronteriis Marchiarum nostrarum versus Angliam, in partibus videlicet de Osdaile, post se relictis: qui dum in eisdem partibus deprædationes et homicidia in nostros fideles exercebant, nobiles et fideles nostri ejusdem patriæ, in marchis et fronteriis regni nostri commorantes, contra eosdem insurrexerunt, et ipsos viriliter insequentes apprehenderunt. Sicque primo die mensis Maij ultimo præteriti, inito lethali conflictu, præfati conspiratores terga sunt dare coacti: ubi præfatus Comes Moraviæ cecidit mortuus, cujus caput abscissum statim nobis, in dicta obsidione castri de Abercorne existentibus, per nostros fideles est transmissum. Dictus vero Comes de Ormonde, ibidem captus, et ad nos destinatus, poena capitali extat condemnatus. Tertius vero frater ad partes Angliæ se retraxit.

Quibus sic feliciter expeditis, castrum de Douglas, præfati Jacobi principale, et castrum de Strathavane, cæteraque præfati Jacobi fortalitia, per inhabitantes, qui nostram misericordiam implorabant, nobis sunt reddita; et solo coæquata, excepto dumtaxat castro de Trese*, per nostros fideles impræsentiarum obseffo; quod Domino concedente in brevi obtinere speramus.

Sic igitur, divina disponente clementia, rebus prospere succedentibus, Regno nostro, absque quacumque Baronum aut subditorum nostrorum rebellionem, feliciter presidemus; præfatis conspiratoribus extinctis penitus, et expulsis. Hæc omnia scribimus ad vestræ Majestatis gaudium singulare; quia quemadmodum nos vestræ Majestatis honorem, et commodum, libenter amplectimur, sic eandem vestram Majestatem vice mutua diligere nos, et nostra, minime dubitamus.

Insuper V. Christianissimæ Majestati innotescimus, qualiter per nonnullos fideles nostros in fronteriis marchiarum nostrarum contra Anglicos commorantes, (qui notitiam oppidi nostri Berlbits†, per eosdem Anglicos a longo tempore injuriose detenti, optime habere noscuntur,) fuerimus informati, quod si cum exercitu nostro, subitò et ex inopinato, illuc accederemus, ipsum oppidum absque difficultate capere potuiss-

* Trese. On the Dee Galloway. For the Acts of Parliament, 1455, have misled the author, p. 231. Grose, or Cardonnel, may be consulted for the ruins of Treif castle.

† Berwik.

mus. Dumque circa hujus rei exequutionem nostram providentiam faceremus, accidit quod quidam Anglicus, qui in regnum nostrum venerat sub nostro salvo conductu, et qui sacramento magno adstrictus erat quod non recederet sine nostra licentia petita et obtenta, quamdam etiam præsumptionem seu suspensionem habens de nostro proposito antedicto, subito ad partes Angliæ se contulit, et nostrum propositum præfatis Anglicis patefecit. Sicque factum est quod cum ad præfatum oppidum cum exercitu nostro copioso venimus, sperantes Anglicos de nostro adventu omnino fuisse inscios, reperimus ibidem inimicos in armatorum numero copioso, tam per terram quam per mare, ad ejusdem oppidi defensionem confluxisse. Propter quod nostrum propositum illa vice ad effectum perducere commode non poteramus: sed isto nonobstante, Divina favente clementia, cum adjutorio etiam vestræ Christianissimæ Majestatis, proponimus brevi præfatum oppidum cum tali ac tanta provisione expugnare, quod inimicis prædictis nobis resistendi non erit plena facultas.

Super qua materia, et aliis nostrum honorem et commodum intimè concernentibus, ordinavimus dilectum nostrum Herraldum Rothissay, latorem præsentium, nostra intentione plene instructum; cui ac etiam aliis Ambaxiatoribus nostris transmissis, fidem indubiam, et expeditionem celerem et gratiosam, adhibere dignetur vestra Christianissima Majestas, fraternitasque carissima memorata; quam omnium Regum Princeps dirigat atque regat. Scriptum Camburg *. VIII. Julij.

* Edinburg.

N^o XVIII. *Forfeiture of the Douglasses, 1455.* Ms. Adv. Lib.
A. 4. 7*.

COMITES, magnates, *protores*†, Barones Comitatum, et Burgorum Commissarii, in Parlamento apud Burgh de Edinburgh tento, et inchoato nono die Mensis Junii, Anno Domini Millesimo quadingentesimo quinquagesimo quinto, universis et singulis ad quorum notitias presentes litere pervenerint, salutem in omnium Salvatore. Vestrae universitati Notum facimus, quod excolentissimus princeps Dominus noster, Dominus Jacobus Rex Scottorum illustrissimus, decimo die Mensis et anni predicti, Coram nobis in pretorio Burgi de Edr. in parlamento prefato, presentari et perlegi fecit quasdam literas Summonitionis Capelle Regie, sub sigillo officii Canciliarie dicti S. D. N. Regis, Sigillatas sufficienter, et legitime indorsatas, Jacobo de Livingstoune Vicecomiti de Lanark in ea parte directas, et suo etiam sigillo in testimonium executionis earund. sigillat. pro Summonitione Jacobi Dowglas, olim Comitis de Dowglas, &c. emanatas. Post quarum literarum, et earund. indorsationis lectionem, dictus Jacobus de Douglas, virtute dictarum literarum legitime et peremptorie Summonitus fuit, ut luculenter apparebat per productionem quatuor testium, viz. Lyon herald armorum Regis, Roberti de Broyse, Henrici de Livingstoune, et Roberti de Dalyell, productorum per dictum Jacobum Livingstoune, et magno interveniente sacramento asserentium ipsos presentes fuisse, vicesimo quarto die mensis Aprilis, anno predicto cum Jacobus de Livingstoune executionem debitam dictarum Literarum summonitionis Capelle Regie fecit apud Dowglas, Strathaven, et Crucem burgi de Lanark.

Cum vero, dicta probatione rite et legitime facta, dictus Jacobus de Dowglas, sepe Vocatus ad Comparend. personaliter coram dicto S. D. N. Rege, suisque Regni Statibus, dicto decimo die Junii in Parlamento, et ad Respondend. dicto S. D. N. Regi pro proditoriis munitionibus et fortificationibus turrium & fortaliciarum de Treve, Dowglas, Strathaven, et Abercorne; et pro proditoriis legiis et Confederationibus, per ipsum Jacobum etiam factis cum Anglicis, in Corone Regie lesionem; et pro dicta conspiratione proditoria, & insurrectione cum multitudine armatorum gentium, hostiliter et per modum guerre, prope burgum de Lanark, contra Regem. Et pro ejusd. Jacobi proditoriis auxiliis, manutenentiæ *sui fidens* assistentiis & supportationi-

* A collection by Sir Lewis Stuart in the time of Charles I. This copy must have been taken by a very incorrect scribe.

† Procuratores?

bus, prestitis et adhibitis suis fratribus, et eorum complicibus, in eodum proditoriis Rebellionibus, &c. per ipsos factis; et pro rapiis per ipsum factis de grangia Henrici Dni. Abernethi, Justiciarii Dni Regis, et pro dicti Jacobi auxilio et supportatione fact. Roberto de Douglas, in exhereditatione Regis, et successorum suorum, in quantum in ipso Jacobo extitit, de terris de Strabrok, jure et hereditarie spectantibus: et pro incendiis et * * per ipsum Jacobum factis super Grangia de Coliden, et pro arte et parte incendiorum burgi de Dalkeith, et rapinarum Bonorum Inhabitantium dictum burgum; et pro quam pluribus proditoriis Rebellionibus, Criminibus, et transgressionibus, per dictum Jacobum contra Dominum nostrum Regem; et supra suis legiis et *subditis* in Domini nostri Regis opprobrium et contemptum, ac suorum legiorum damnum immodicum, et gravamen, Commiss. et perpetrat.

Quum quidem Jacobus sepe vocatus non Comparuit, deinde Lancelotus de Abernethie, prolocutor dicti Domini nostri Regis, ad proband. et Clare deliberand. dictum Jacobum de Douglas Commisisse et perpetrasse predictas traditiones in diversis transgressionibus predictis per ipsum Jacobum perpetrat. produxit quam plures rationes, allegationes, acta et statuta Parliamentorum, et Jura Communia tam Canonica quam Civilia in scriptis redacta. Quibus auditis et intellectis, post longam Communicationem inter nos habitam, Comperimus dictum Jacobum proditoriam Commisisse traditionem, in omnibus articulis precedentibus proditoriam traditionem tangen. juxta Acta et Statuta Parliamentorum, ac jura communia Canonica et Civilia: ac etiam ipsum Jacobum de Douglas Criminosum et reum in omnibus aliis transgressionibus antedictis.

Tunc vero, remotis omnibus et singulis dominis Prelatis dicti parliamenti, ac ceteris Clericis infra sacros ordinis Constitutis quibuscunque, datum fuit pro judicio, per os David Dempster de Carraldstone, Judicatorem Curie parliamenti, quod dictus Jacobus de Douglas pro dictis suis proditoriis Criminibus per ipsum perpetrat. FORISFECIT et perpetuo et vitam, et a se et ab ejus heredibus suas terras, redditus et possessiones, superioritates, et officia, cum pertinentiis; et omnia bona sua, mobilia et immobilia, ad usum et utilitatem Domini nostri Regis suorum successorum et assignatorum hereditarie pro perpetuo applicand.

Postea vero de mandato Regis * * * dicto * * proprio prefata Beatrix probatam legitimam Executionem earund. clare approban. ad ostend. Domino nostro Regi Proditoriam munitiorem, et fortificationem, Castrorum de Abercorne, Douglas, et Strathaven; et pro proditoria impositione Rebellionum Regis in dict. Castro de Abercorne, et pro arte et parte incendior. Villarum de Kincavill, Bonytoun, et Warnestowne, ac arte et parte Rapinarum et depredationum

tionum bonorum tenentium dictarum terrarum; et pro suis proditoriis confiliis auxiliis et supportationibus quam maximis [per eandem] Beatricem adhibitis suis filiis, Jacobo, Archibaldo, Hugoni, et Joanni de Dowglas, et eorum complicitibus, in eorum proditoriis criminibus, et transgressionibus perpetratis, tam in contractibus et ligiis proditorie cum Anglicis, quam in aliis proditoriis actionibus per ipsos perpetratis. Predictaque Beatrice sepe vocata, et non comparente, auditis igitur et declaratis ex ordine nobis predictis criminibus, et aliis quam pluribus maleficiis, per ipsam perpetratis, comperimus ipsam Commississe proditoriam traditionem * * * pro predictis criminibus maleficiis et transgressionibus, per dictam Beatricem, ut premittitur, Contra Regiam Majestatem * * * perpetratis, ipsam ream * * * ac vitam; terrarum, possessionum, et bonorum, et suorum omnium *adiisse* * forisfalturam. Per os dicti Judicatoris Curie Parliamenti datum fuit pro Judicio, quod dicta Beatrix pro suis proditoriis, et notoriis criminibus per ipsam perpetratis, forisfecit vitam, et a se et heredibus suis, terras, annuos redditus, et possessiones, superioritates, et officia, ac omnia bona sua mobilia et immobilia dicto Domino Regi, suisque successoribus assignatis, et hereditarie pro perpetuo applicand. et sic dictum fuit pro Judicio.

Indictione vero post hoc dicto, duodecimo Junii, declarat. fuit etiam quod Archibaldus, pretensus Comes Moravie, Commississet proditoriam traditionem, in munitione et fortificatione Castrorum de Lochindore, et Tarnan. contra Regem et Leges, et Statuta Regni, et dict. et fact. et quod Commississet proditoriam traditionem, pro suis proditoriis assistentiis supra dictis. Per os dicti Judicatoris Curie Parliamenti datum fuit pro judicio quod omnes et singule terre, redditus, possessiones, superioritates, et officia, et bona mobilia et immobilia, dicti Archibaldi de Douglas, de jure [essent] dicti S. D. N. Regis, tanquam sua Eschaeta; et cum ipso S. D. N. Rege suisque successoribus et assignatis, remanere debent pro perpetuo. Et sic datum fuit pro judicio per dictum David Judicatorem Curie Parliamenti.

Incontinen. vero Joannes de Douglas de Balvenne, frater germanus dicti Jacobi de Douglas, ostensis et intellectis literis summonitionis ejusd. legitime executis, et debita Executione earund. facta et probata, per testes predictos, et alios fide dignos, Vocatus fuit ad Comparend. coram Domino N. Rege et nobis, dicto duodecimo die Junii. Summonitus fuit ad Comparend. dicto die ad respondend. super criminibus, et singulis proditoriis transgressionibus infra script. viz. pro prodita munitione Castri de Abercorne, et pro proditoriis ligis et confederationibus per ipsum Joannem factis cum Anglicis; pro proditoriis ligis, criminibus, supportationibus prestitis et adhibitis Jacobo de Douglas, et

* subiisse?

APPENDIX.

suis fratribus, et eorum proditoriis et notoriis Rebellionibus per ipsos
 perpetratis. Quo Joanne sepe vocato et non comparente, Auditis
 testificationibus Corone ac * * * * * trans-
 gressionibus, proditoriam traditionem: et ipsum Joannem etiam reum
 et criminofum esse, et fuisse, in certis criminalibus actionibus pre-
 dictis, per dictum Joannem de Douglas perpetratis, Vitæ, terrarum
 suarum, reddituum et possessionum, ac bonorum mobilium et immo-
 bilium *Judicasse* * forisfacturam. Et ipsas terras, possessiones, et om-
 nia mobilia et immobilia, dicto domino nostro Regi, suisque successo-
 ribus et assignatis, hereditarie pro perpetuo appropriari debere. Ideo
 remotis Clericis, prelati, ut premittitur, per os dicti Judicatoris Curie
 Parlamento datum fuit pro judicio, quod dictus Joannes Douglas de Bal-
 venie forisfecit Vitam, et a se et suis hæredibus suas terras, superioritates
 et officia, redditus et possessiones, ac omnia bona mobilia et immobilia
 dicto Domino nostro Regi, suisque hæredibus et successoribus, et
 assignatis, pro perpetuo appropriand.

In quorum omnium et singulorum fidem et testimonium premissorum
 sigilla nostra [apposuimus.] Joannis Comitis Atholie. Georgii An-
 gusie Comitis. Malesii Comitis de Menteith. Willmi Comitis de
 Errol Constabularii Scotie. Joannis domini Lorne. Thomæ domini
 Erskine. Colini domini Campbell. Patricii domini Grahame. Willmi
 domini Sommerville. Alexandri domini Montgomerie. Roberti domini
 Maxwell. Georgii domini Leslie. Patricii domini Glamis. Jacobi domini
 Hameltun. Andrea domini lie Gray. Roberti domini Boyd. Willmi.
 domini Borthwick. Una cum sigillis Jacobi de * * * Willmi
 Haig de Colibre, procurator. Joannis Comitis Rossie, domini Insula-
 rum: et sigillo Majori Joannis * * * procuratoris Alexandri
 Comitis de Huntlie. Sigillum Communium burgen. de Hadingtone, pro
 parte Commissariorum Burgorum in dicto Parlamento, presentibus
 sunt appensa. Et ad plenariam premissorum obedientiam, sigilla Re-
 verendorum in Christo patrum, Jacobi, Thomæ, Thomæ, Roberti, et
 Georgii, Sancti Andrea, Dunkelden. Rossen. Dunblane, et Lesmoren.
 et Ecclesiæ Venerabilium in Christo Patrium Willielmi Prioris Sancti
 Andrea, et nonnullorum Abbatum, presentibus sunt appensa. Apud
 Edr. decimo die Mensis Junii, Anno Dni Millesimo, quadingente-
 simo, quinquagesimo quinto.

* Subiisse?

N^o XIX. *An Account Charge and Discharge, of John Bishop of Glasgow, Treasurer to James III, for the Year 1474*.*

CHARGE.

The compters charge for compositions of charters, wards, marriages, escheats, remissions, &c. for this yere, extends to L. 3240:19:9 Scots.

DISCHARGE.

Expenses for the King's person.

	L.	s.	d.
Deliverit to James Homyl, the 13th day of August, 4 elne of Franche blake, for a syde gowne to the King, fra Wat Bertram, price 42 s. the elne, the sum	-	-	8 8 0
Item, To James Homel, to buy 10 elne of fustin, to lyne the samyn gowne, price 3 s. the elne,	-	-	1 10 0
Item, to James Homel, to buy graith for the King's vellum doublet,	-	-	0 10 0
Item, To Andrew Balfour, an half elne of graith to lyne the King's short gowne,	-	-	0 12 0
Fra the same, twa elne of quhite, to lyne twa pair of hofs to the King, price elne twantie pennies, sum,	-	-	0 3 4
Item, Fra the samyn, an elne of black, to eke furth (to widen) the lynning of the King's gown,	-	-	0 6 0
Item, Coft (bought) fra Will. of Carkettel, be Androu Balfoure, and deliverit to Rob. Sheves, for three sarks (shirts) to the King, 3d Septembris, 10 elne and ane half of small (fine) holland cloth, price elne 13 s. 4 d. sum,	-	-	7 0 0
Item, Fra Isabell Williamfone, 3d Septembris, and deliverit to Rob. Sheves, 13 elne of small holland cloth, for three sarks, and a curch (cap), price elne 12 s. sum,	-	-	7 16 0
Item, Fra Thomas Brown, 4th Septembris, thre quarters of blew, for harnessing to the King's fadellis, price 12 s.	-	-	0 12 0
Item, Fra the samyn, an elne of quhite, for the samyn twantie penies,	-	-	0 1 8

* From Borthwick's Remarks on British Antiquities, Edin. 1776, 8vo: the only curious article in the work.

Item,

	L.	s.	d.
Item, Fra Tom. Crown, for the samyne harnessing, an elne and a half of rede, price - - - - -	0	9	0
Item, Fra David Quiltitch's wife, 3 unce of silk, for the samyne, price of the unce 5 s. - - - - -	0	15	0
Item, Given to James Saddilar, for a saddil to the King's trompis, coft be Androu Balfoure, fra the faide James, price 45 s. - - - - -	2	5	0
Item, Given to a skynner, 7th Septembris, for a lyming of lam-skinnes, coft be Androu Balfoure, to lyne a gowne of chamlot to the King, price 34 s. - - - - -	1	14	0
Item, Fra Thom. Malcolme, an elne and ane half of quhite, for fute fokks to the King, price elne 2 s. - - - - -	0	3	0
Item, Fra David Quiteheid, be Androu Balfoure, 5 elne of braide clath, to turse the King's doublatts and his hofs, price of the elne 18 d. - - - - -	0	7	6
Item, Given to Archibald of Edmonstoune, 12th Septembris to buy a pair of spurrs to the King, 4s. - - - - -	0	4	9
Item, To a child of the chalmer, 4 elne of braid clath for twa farkes, price elne 3 s. - - - - -	0	12	0
Item, By the King's command, 5 quarters of bukacy, for a doublatt to littill Bell, 10 s. - - - - -	0	10	0
Item, For braid clath to the samyne, 18 d. - - - - -	0	1	6
Item, For a quarter of blak, to make a jakat to Bell, 8 s. - - - - -	0	8	0
Item, For a quarter of satyne, to bind Bell's doublatt, 6 s. - - - - -	0	6	0
Item, Be Androu Balfoure, 20 Octobris, fra David Goldsmith, 8 elne of small ribbons, for the King, 2 s. - - - - -	0	2	0
Item, Be the said Androu, 24 Octobris, fra Will of Kirketill, 10 elne of canves, to mak Nikky and Bell a bed to lie on in the King's chalmer, price of the elne 16 s. sum - - - - -	0	13	4
Item, Fra Thome of Stanly, be the said Androu, ane elne and ane half of blak, for 2 pair of hofs to the King, price 38 s. - - - - -	2	17	0
Item, Fra John Malcolme, 2 elne of quhite, to lyne the King's hofs, price elne 18 d. - - - - -	0	3	0
Item, Fra David Quhiteheid, 3 Decembris, 2 elne of val-loufs, for two tippats to the King, price 55 s. - - - - -	5	10	0
Item, Fra Thome of Yare, and deliverit to Archibald of Edmonstoune, 17 Decembris, 2 elne and ane half of val-loufs, for a fute mantile to the King, price elne 45 s. sum - - - - -	5	12	6
Item, Fra Thome Cant, 24 bestes of grece, to lyne a tippat to the King, price of the best 13 d. sum - - - - -	1	6	0
Item, Fra Thome Cant, be Androu Balfoure, 20 Decembris, a bonet to the King, price 15 s. - - - - -	0	15	0
Item,			

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	L.	s.	d.
Item, For 2 hattis to the King, coft fra Karnies, price 20 s.	1	0	0
Item, Given to Sandy Balfoure the fchevar, for certane clath fchorn be him to the King and the Quene, and the King's fifter, and the heufmen, fra Pasche to Yule, (that is, from Easter to Christmas), - - - - -	2	0	0
Item, Given to a fkyner, for the lyning of lam-fkinis, to the King's jakat of fating, - - - - -	0	6	0
Item, Given to James Homyll, 3 Januarius, to buy 3 elne of gray, for lang fokks to the King, - - - - -	0	5	0
Item, Given to Will. Scheves, to pay for the fewing of the King's farkes, laid down by him before 3 Septembris,	0	12	0
Item, for filk to the famyne, - - - - -	0	3	0
Item, Fra Thome of Stanley, half an elne of black Sating, to cover an orifone buke to the King, - - - - -	0	13	4
Item, For a hat to the King, tane by Johne of Murray at Yule, - - - - -	0	12	0
Item, Fra ane elne and ane halfe of velloufs, for a chefabell to the King's clofat, price 45 s. - - - - -	3	7	6
Item, Fra Ifabell Williamfone, primo Martii, halfe ane elne of velloufs, to the King's brigintynis, 25 s. - - - - -	1	5	0
Item, Fra Will. of Rend, 4 pyrnis of gold, for the King's knappis to the harneffing, price of the pyrn, 12 s. fum	2	8	0
Item, Fra Will. of Rend, 16 elne of Holland-clath, for farkes to the King, price elne 10 s. - - - - -	8	0	0
Item, Given to Robyne Huntar, 20 Junii, to buy a chymna to the King's clofat, 18 s. - - - - -	0	18	0
Item, Fra Thome Cant, to the King on Pasche evin, a bonat, - - - - -	0	16	0
Item, For the King, 5 elne of ribbanis for his doublat,	0	3	4
Item, Fra David Quhiteheid, for grene ginger, tane at divers tymes, be Kirkaldy and Will. Pringell, at the command of Will. Schevas, fen the comptar's laft compt to the 26th day of Julii laft, - - - - -	2		6
Item, Fra Will. of Rend, 6 elne of small braid clath, for covers to the King's codbers, (pillows), price elne 4 s. fum	1	4	0
Item, Fra David Malwyne, three elne and ane halfe of gray, for a klok to the King, price elne 10 s. fum - - - - -	1	15	0
Item, The 27th day of Julii, to a Flemyng of Bruges, for certane potigaries, coft to the King be Maifter William Shevas, Archdene of Sanct Androis, - - - - -	12	7	0
Item, Given Jame Broune fadillar, at the King's command, the 26th Augufti, ane and ane halfe henry-noble of gold, to gilt a small harneffing to the King, - - - - -	2	0	0
Item,			

	L.	s.	d.
Item, Given to a tailyour that makes the King's hofs, for certane lynning, making, and uther warkmanship, wrocht be him, as his bill beirs, presentit to the comptar be Androu Balfoure, 28 Augusti,	4	13	6
Item, Fra Isabell Williamfone, 6 Octobris, 6 quarters of vellous, for covering of a sword and two tippats, price of the elne 3s.	4	10	0
Item, A pyrn of gold, for a skawburn to the samyn,	0	10	0
Item, Given to Androu Balfoure, a ferding of a noble, to gilt a chaip to the King's sword,	0	7	6
Item, Fra Johne of Yare, 13 Octobris, ane elne of skarlett, for a petticote to the King,	2	10	0
Item, The samyn tyme, fra Isabell Williamfone, an quarter of rede crammefay vellous, for the covering of the litil bering sword,	1	0	0
Item, Fra Thome of Stanly, 16 elne of small ribbanis, for the King's doublat sleiffs, price the elne 3 d. sum	0	4	0
Item, Fra Will. of Kerketill, 26 Octobris, 4 elne and ane halfe of fating, to lyne a gowne of clath of gold to the King, the quhilk was gevin to the herald of Inglande, at the passing of the ambasters, price elne 30 s.	6	15	0
Item, Given to Rob. Raa, 4 Novembris, for certane gluffs coft to the King and Queen, as a bill beris, subscrivit with the King's hand,	1	10	0
Item, Fra Will. of Kerketill, 8 Novembris, ane elne of holland-clath, for muchis (caps) to the King,	0	10	0
Item, Given to Gely Brusfour, 20 Novembris, for a bag, filk, gold, and werk thereof, to the King,	1	0	0
Summa totalis,	L. 118	18	6

Things tane for the Quenis person.

	L.	s.	d.
Imprimis, To Caldwell in here chalmer, to pay for patynis and corks,	0	12	0
Item, To Androu Balfoure, 20 Augusti, for livery gownes to sex ladies of the Quenis chalmer, at here passing to Quhiteherene, 21 elne of gray, fra David Gill, price of elne 10 s.	10	10	0
Item			

	L.	s.	d.
Item, Fra Henry Caunt, 22 Augusti, ane elne and ane halve of fatyne, for turrats to the Quene, price of the elne 26 s. 8 d.			2 0 0
Item, Fra Thome Malcolme, 26 Augusti, 28 elne of gray, to lyne the sex gownes, price elne 14 d. sum	1	12	8
Item, Fra Will. of Kerkettill, the samyn tyme, 6 elne of braid clath, to the samyn gownes, price elne 18 d. sum	0	9	0
Item, Fra samyn man, the samyn tyme, 3 elne and ane halve of blak, for a sliding gowne to the Quene, price elne 36 s. sum	6	6	0
Item, Fra the samyn, 3 elne of vellous, for the collars and sleiffs of the gentill womans gownes, price elne 55 s. sum	8	5	0
Item, The samyn tyme, fra the faide Williame, 3 elne and ane halve of vellous, for the Quenis gowne, price elne 55 s. sum	9	12	6
Item, Gevin to a skynner of Striveling, for a dufane of gluffs to the Quene,			0 6 0
Item, Be Androu Balfoure, fra Will. of Kerkettill, twa elne and ane halve of blak, for a klok and capite bern for the Quene, price elne 36 s. sum	4	10	0
Item, Twa elne and ane halve of Scotts black, to lyne the samyne klok, price elne 5 s.	0	12	6
Item, Three quarteris of blak, to fulfil furth the lynyng of the Quenis gowne,	0	3	9
Item, Fra Androu Moubra, 8 elne of braid clath, 6 Octobris, to cover a baith fate to the Queen, price 2 s. 6 d. the elne	0	16	0
Item, Fra the samyn, 3 elne of braid clath, for a schete to put about the Quene in the baith fat, price elne 3 s. sum	0	9	0
Item, Fra Isabell Williamsone, be Sandy Wardropare, in absence of Androu Balfoure, 5 Novembris, 5 quarters of black, for hofs to the Quene, price elne 40 s.	2	10	0
Item, Be Androu Balfoure, fra David Quhiteheid, 3 Decembris, 7 elne of cramacy fatyne, for a kirtele to the Quene, and to cover her bonats of tyre, price 3 l. 10 s. sum	24	10	0
Item, Gevin to a smyth of Leith, for a chimney to the Quenis clofat,	0	18	0
Item, For band-ledder to the Quenis furring of her gloves,	0	5	0
Item, Fra Henry Caunt, be Androu Balfoure, 17 Aprilis, 5 elne of cristy gray, price of the elne 30 s. to lyne a gowne of blak damask to the Quene, sum	7	10	0
Item, Fra Thome of Stanly, 27 Aprilis, ane quarter of blew vellous, to cover the Quenis stirrup irons,	0	15	0
Item, Fra Will. of Rend, 7 Maii, and deliverit to Caldwell, halve ane elne of double tartan, to lyne riding collars to the Queen, price	0	8	0

	L.	s.	d.
Item, For 5 elne of small braid clath, for two hed schets, price of the elne 4 s.	1	0	0
Item, Gevin to Caldwell, 22 Junii, to buy 2 bassings for here chamber,	0	12	6
Item, Fra Isabell Williamfone, 2 elne of fatyng, for tippats and collars, and deliverit to Caldwell, price elne 30 s. fum	3	0	0
Item, Fra Will. of Rend, ult. Julii, half ane elne and half quarter of fatyng, for the Quenis bonat of tyr, price elne 30 s.	0	18	9
Item, Fra Isabell Williamfone, 26 Augusti, half ane elne and halfe quarter of blak, for 2 pair of hofs to the Quene, price elne 34 s.	1	1	3
Item, Given to heed futor, for the Quenis schonne, fra Saint Jelys day * was a yere, to the 21st day of Septembre,	7	0	0
Item, Fra Will. of Kerkettill, and deliveret to Caldwell the samyn tyme, ane elne of fatyne, for stomoks to the Quene,	1	10	0
Item, Fra Roger of Murray, the halve of 5 quarters of vellous, for a tippat to the Quene, price elne 50 s.	1	11	3
Item, For armyne, to lyne a stomok to the Quene,	1	5	0
Item, To Thome Skynnare, for 26 bestes of grece, to lyne a tippat to the Quene, price	1	6	0
Item, For making the tippat, and two stomoks,	0	3	0
Item, For a mess bucke to the Quenis alter, at her command, by Captain John Cat,	10	13	4

Summa totalis, L. 113 1 6

Things cost for my Lorde the Prince.

	L.	s.	d.
Imprimis, To my Lorde Prince, 28 Augusti, from Robert Nut, 5 elne of holland clath, for farkes and muchifs, price elne 10 s. fum	2	10	0
Item, Fra Thome Malcolme, ultimo Augusti, 5 quarters of quhite, to lyne a cot to my Lorde,	0	2	0
Item, Fra Donald of Kyle, 3 quarters of broune for a coat, price elne 30 s.	1	2	6

* 1 Sept.

Item,

	L.	s.	d.
Item, The samyn time, fra Thome Malcolme, 3 elne of quhite, for his credile, and stufie perteynyng thairto, price elne 2 s.	0	6	0
Item, Gevin to Androu Balfoure, 12 Octobris, to buy 12 elne of lynyng for a schets to my Lord's nuris, price elne 10 s.	0	10	4
Item, Six elne of small braid clath, for his schets, price 4 s. sum	1	4	0
Item, tertio Februarii, for ane elne of quhite, to be hofs to my Lorde,	0	3	0
Item, From Thome of Stanly, 2 elne of laune, for my Lordes muchis, price elne 12 s.	1	4	0
Item, Fra Thome of Yare, ane elne of Carfaye,	0	13	4
Item, 30 Februarii, for ane elne of quhite, for my Lorde Prince's pettycote, price 4 s.	0	4	0
Item, Fra Dick Forestare in Leith, 3 dusane of Estland burds, for my Lorde's chalmer, price of the dusane 15 s.	2	5	0
Item, To my Lorde Prince, for his farkes, 3 elne of braid clath, tane fra Isabell Williamsone's sone, price elne 4 s.	0	12	0
Item, Fra Isabell Williamsone, quarto Aprilis, two elne and ane halve of Franche broune, to cover my Lorde's cradile, price elne 30 s.	3	15	0
Item, For 4 elne and ane halve of tartane, for a sparwort aboun his credill, price elne 10 s.	2	5	0
Item, Elevin elne of braide clath, for farkes and schets tane, fra Isabell Williamsone, to my Lorde Prince, price elne 4 s. sum	2	4	0
Item, Fra Will. of Rend, to bind my Lord's courtings, ane and a halve quarter of bukrame,	1	4	0
Item, For 8 elne of quhite, to my Lord, for blankets, price of the elne 3 s.	1	4	0
Item, Be Androu Balfoure, fra Thome of Yare, 28 Junii, 3 elne and ane halve of Inglis ruffat, for a gowne to my Lord the Prince's nuris, price elne 24 s.	4	4	0
Item, Ten elne of quhite fustiane, for blankets to my Lorde, tane fra Will. of Rend, price elne 2 s. 8d. sum	4	0	0
Item, 12 elne of braid clath, for a pair of schets, tane fra Will. of Rend, price elne 2 s. 6 d.	1	10	0
Item, To my Lorde Prince, fra Will. of Kerkettill, 5 elne of braid clath to his schets in his cradill, price 2 s. 6 d. sum	0	12	6
Item, Fra Will. of Kerkettill, 26 Julii, 8 elne of holland clath, for farkes and muchis, price elne 10 s.	4	0	0
s s s 2			
Item,			

APPENDIX.

Item, Fra Isabell Williamfone, sexto Octobris, 2 elne of
fatyne, to his cot, price elne 36 s. - - - 3 12 0
Item, Fra the famyn, ane elne and ane half of blew tartane,
to lyne his gowne of a clath of gold, - - - 1 10 0
Item, Twa elne and ane halve of quhite, for a night-cot to
him, - - - 0 5 0

Summa totalis, (Prince), L. 41 1 8
(King), 118 18 6
(Queen), 113 1 6

Sum total of the three accounts, L. 273 1 8

Due to balance, 2967 18 1

Nº XX. *Edward IV to Dr. Legh his ambassador in Scotland,*
1477. Vesp. C. XVI, f. 121.

R.

MAISTER Legh. Where as our brother and coufin the king of Scotts desireth a mariage to be had, betwixt our brother of Clarence and a sustre of the said king of Scotts; And another mariage also to be had, between our sustre the Duchesse of Burgoign, and the Duc of Albany his brother; Ye shal say, that forfomoch as this desir procedeth of his entier love and affection anempst us, we thanke hym as hertily as we can. And forfomoch also as, afre the old usaige of this our royalme, noon estat ne person honnorable communeth of mariage within the yere of their doole, We therfor as yit can not conveniently speke in this mater. Nathelas when we shal finde tyme covenable, we shal feel their disposicions, and theruppon shewe unto hym the same in all goodely hast.

Item, where as we have other tymes addresssed our lettres missives unto Sir Robert Constable, for restitution of the goods of Thomas Yare, we nowe have sent for hym, by prive seal, to come unto us in his own person, and to shewe cause why the said restitution is not doon.

Item, in the matier concernyng the robbery of the tenaunts of Sir John Carlill, and other of th' obeissance of our said brother king of Scotts, ye shal say that we have written unto our brother the Duc of Gloucestre, wardeyn of our west marches, that he shal see due reformation to be had, according to right and custome of the said marches.

R.

Nº XXI.

N^o XXI. *From the old chronicle at the end of Winton, MS.*
Reg. 17 D XX.

A. D. 1400. Discefit bischop Walter Traile of Sanct Androis, and the nixt yer folowand was the batell ftrykin of Nesbyt muir: and that samyn yeir was the ferd mortalyte.

1402. Was the batell of Homyldone; and the nixt yer folowand was the batell of Schrewsbery and Coklaw.

1405. Was the desceas of king Robert the Thrid.

1406. Was the brinnyng of Stirlyng.

1413. Begane the univerfite in Sanct Androis. (The batell of Hairlaw 1411.)

1419. Was the passage of the erle of Buchan, and Wigton, in France: and that samyn yer was the dry fomer; and the nixt yer folowand was the fyft mortalyte, the qwhilk was callit the Qwhew.

1421. Was the batell of Bolgee.

1423. Was the coronatioun of James the first, and of his spouse at Scone.

1433. And in the moneth of Julij, was the blak hour generall.

1436. Was the first sege of Roxburgh be king James the first: and the nixt fasteryngs ewyn he was slayne in Sanct Jonstoun, be the erle of Atholle' fone and air, and Robert Grayme, tratours, and thear complices.

1436. Was the coronatioun of king James the secund with rede scheik, callit James with the fyr in the face, he beand bot sax yer ald and ane half, in the abbay of Halyrudhouse, quhar now his banys lyis.

1439. Was the deir summyr, for the boll of meill was for xxiiii s. and the boll of malt for ii merkis, and the boll of quheit for xxx s. and mony deit for hungyr.

1440. Was hedyt erle Wilyem of Dowglace, and David his brother, and Malcom Flemyng lord of Cummernald, James the secund beand Justice.

1451. Began the universite in Glasgw, purchest be bischoip Turnbull. And that ilk yeir was the first pardon of Glasgw, of full remissioun, as in the yer of grace, and lefyt four moneths, purchest be the samyn bischoip William Turnbull.

1454. Deit that bischoip Wilyem Turnbull, to quhome succedit bischoip Androw Durrisdur.

1460. And thrid day of August, deit king James the secund at Roxburgh, be the brekyn of on his awyn gunnis, at straik him to deid,

deid, at the secund fege of Roxburgh; and he was erddit in Halyrudhouse. On the sanct Laurence day, nixt folowand the deces of James the secund, was king James the Thride his sone crownyt in Kelso, he beand ancht yeris of eld and ane half.

(1463. Jhone of Dowglace was slayne in Edynburgh, and erle James his brother was chafyt in England.)

1469. James the Thrid of Scotland, the xiii day of Julij, was maryit in Halyrudhouse in gret dignite, with Margaret with the king's douchter of Norway, Dasie, and Swasie, and Denmerk: and that samyn yeir was banyfyt the lord Bowde, and Schir Alexandur, lord and knyght, was hedyt in Edynburgh.

(1463. Alexander duke of Albany was tane on the se be the Inglishmen, and honorabilly deliverit for the instance of his brother king James be king Edward in England.)

1471. Drownyt the bischoipis of Sanct Androis' barge.

1479. King James the Thred banyfit Alexander his brother, duke of Albany: and passyt in France, and was maryit thar; and after that come in England, and maid his residence with king Edward of England. And than the king of Scotland gart fege Dunbar the Dukis castell, and the lord of Bunterdaill was capitane, and he and his stall away be the se, and so the king gat the castell. And that yer was mony weches and warlois brint on Crag Gayt; and Jhone the erle of Mar, the king's brother, was slayne becaus thai said he faworyt the weches and warlois.

1480. Raife ane gret wer betwix England and Scotland; and that yer the erle of Anguys with gret power of Scotts passyt in England, and brynt Balmburgh, and lay thre nytis and thre dais in England. And that yer was gret tempest of wedder, for ane gret storme began at New yeir day, and lefyt quhill the xxvi day of Marche: the morn after our lady day in lenterin the storme brek. And nixt Beltyn day aftir was ewill beltyn day.

1482. Thar was ane gret hungyr and deid in Scotland, for the boll of meill was for four pundis; for thar was blak cunye in the realm, strikkin and ordinyt be king James the Thred, half-pennys, and three-penny pennys, innumerabill, of coppir. And thai yeid twa yer, and mair. And als was gret wer betwix Scotland and England, and gret distructioun throw the weris was of corne and catell. And thai twa thyngs causyt bayth hungar and derth, and mony pur folk deit of hungar. And that samyn yeir, in the moneth of Julij, the king of Scotland purposyt till haif passyt in England with the power of Scotland, and passyt on gaitwart to Lawdyr: and thar the lords of Scotland held thar confaill in the kirk of Lawder, and cryit downe the blak silver; and thai slew ane part of the king's housald, and other part thai banyfyt: and thai tuke the king himself, and thai put him in the castell of Edynburgh.

Edynburgh in firm kepyng, for he wrocht mair the consaell of his housfald, at war bot sympill, na he did of thame that war lordds. And he was haldyn in the castell of Edinburgh fra the Magdalyne day quhill Michaelmefs. And than the wictall grew better chaip, for the boll that was for four pundis was than for xxii s. of quhyt silver.

(1463. James the Third of Scotland, the xiiij day of July, was marryd in Edynburgh to Margaret, with Margaret with the king's daughter of Norway, Dan, and Swede, and Denmark; and that day he was marryd the lord Bowde, and Schir Alexander, lord and knyght, was marryd in Edynburgh.)

(1463. Alexander duke of Albany was tane on the 10 be the Inglis men, and honorably deliverit for the instance of his brother king James be king Edward in England.)

(1471. Drowynyt the bishop of Sanct Andrews, bairge. 1479. King James the Third banysit Alexander his brother, duke of Albany; and passit in France, and was marryd there; and after that come to England, and maid his residence with king Edward of England. And than the king of Scotland gat sege Dunbar the Duke's castle, and the lord of Buntardall was captane, and he and his shall away be the 10, and to the king gat the castle. And that yer was money weches and waris print on Craig Gair; and I hope the erte of Mar, the king's brother, was slayne because that said he favourit the weches and waris.)

(1480. Kailis and gret wer betwix England and Scotland; and that yer the erte of Angus with gret power of Scots passit in England, and prayt Edynburgh, and lay the nyte and the daie in England. And that yer was gret tempest of wedder, for the gret storme began at New Year day, and lastit quhill the xxvi day of March; the morn after our lady day in January the storme brak. And nixt Belyn day air was cwill belyn day.)

(1482. That was the gret hungry and deid in Scotland, for the boll of melle was for four pundis; for that was blak cunye in the realm, strickin and ordynat be king James the Third, half-pennys, and three-penny pennys, innumerable, of copur. And that yer was yet, and gret main. And als was gret wer betwix Scotland and England, and gret distinction throw the weis was of corne and cattell. And that twa tymys causit payn hungry and deir, and money put folk deir of hunger. And that January yer, in the moneth of July, the king of Scotland purposit till passit in England with the power of Scotland, and passit on gairwart to Lawdys; and that the lords of Scotland held that counsell in the erte of Lawder, and cryit downe the blak silvers, and that flew and put of the king's houshold, and other gair that banysit; and that took the king himself, and that put him in the castil of Edynburgh.

N^o XXII. *Pacification of Blackness.* (April 1488.) Records of Parliament, Register Office, Edinburgh*.

THIR ar the articles, uppone the quhilk our Soverain Lord fall gif commissioun under his gret sele to the lordis underwritten, That is to say the Bischop of Aberden Chancellar, the Erlis of Huntlie, Erole, Merschiale, Lord Glammys, and Alexander Lindefay, to comone conclude and end with thir lordis followand, That is to say the Bischop of Glasgw, the Erlis of Angus, Ergile, Lord Halis, Lord Lile, the quhilkis lordis fall haffe full commissioun of my Lord Prince, and of all the lordis being with him.

In the first, to comone and conclude that the Kingis hie honor, estate, riale autorite, be exaltit, conservit, and borne up; at he may ex-hers justice universally to all his liegis in all the pertis of his realm.

Item. At his maist noble person be at all tymes in honor, securitie, and fredome; and at thar be prelatis, erlis, lordis, and baronis, and utheris persones of wisdome, prudence, and of gud disposition, and unsuspect to his hienes, and evinly to all his liegis, dayly about his nobil persoun, to the gud giding of his realme and lieges.

Item. That all the persons being about my Lord Prince, that has in tym bygane done displeffour to his hienes, mak honorable and agreabile amendis to his hienes, be the wisdome and discretione of the said lordis, thar liffis, heretage, and honouris except.

Item. That the Kingis hienes fall giff honorabill sustentatioun and levin to my Lord Prince his sone, at the consideratione of the saidis lordis.

Item. At wise lordis, and honorabill persons of wisdome and discretioun, evinly and of gud dispositioun, fal be dayly about my Lord Prince, for the gud governance of him, and securite of his person in his tender age.

Item. To avifs, comone, and conclude, how my Lord Prince fall in all tymes to cum be obedient to his faider the King, and how that faiderly luff and tendernes fall at all tymis be had betwex thame.

Item. How the lordis and uthir persons being about my Lord Prince fall haf our Soverane Lordis favoris, and grace, and hertly for-gevinnyis; and thar persons to be in securite, as best can be divisit be the said lordis, for ony displeffour done to the Kingis hienes in ony tym bygane.

* First published by Dr. Henry, in the appendix to his fifth volume, 4to: but it had escaped the author, who little expected any thing new in the worthy doctor's compilation from trivial authorities. It rectifies a mistake in this work, that the prince was not then in the hands of the peers.

Item. At my Lord Prince fall tak in hertlie favoris all lordis spiri-
tual and temporale, and all utheris persons that has ben with the Kingis
hienes in consale, or uthir service, now in this tyme of truble.

Item. At al discentions and discordis, now standand or beand
betuex any lordis or gret baronis, of baith the pertis, sal be drawin be
the wisdome of the said lordis to unite concord, sa that luff and favour
may stand ymangis oure Soverane Lordis liegis. And peax to be had,
and justice to proced; and specially betuix the Erle of Buchain and
Lord Lile, &c.

*** Signed by the king's own hand, and presented in the first par-
liament of James IV.

all the lordis being with him.

In the first to comone and conclude that the Kingis his honor,
estate, rialt autorite, be exaltit, conservit, and borne up, as he may ex-
tend justie universally to all his liegis in all the pertis of his realm.

Item. At his maill noble person be at all tymes in honor, securite,
and freedom; and at that be prelat, erles, lordis, and baronis, and
utheris persones of wisdom, prudence, and of gud disposition, and
unsubiect to his hienes, and evynly to all his liegis, dayly about his
nobil person, to the gud giding of his realm and liegis.

Item. That all the persones being about my Lord Prince, that has
in tym bygone done disposicion to his hienes, mak honorable and
agrecable amends to his hienes, be the wisdom and discrecion of the
said lordis, that listis, heritage, and honoris except.

Item. That the Kingis hienes fall gif honorabill sustentation and
levin to my Lord Prince his sone, at the consideration of the said
lordis.

Item. At will lordis and honorabill persones of wisdom and dis-
crecion, evynly and of gud disposicion, sal be dayly about my Lord
Prince, for the gud governance of him, and becom of his person in
his tender age.

Item. To avois, comone, and conclude, how my Lord Prince fall
in all tymes to cum be obedient to his father the King, and how that
fairly luff and tendernes fall at all tymes be had betuex thaim.

Item. How the lordis and uthir persones being about my Lord
Prince fall haf our Soverane Lordis favoris, and grace, and betuix for-
gynnis; and that persones to be in securite, as best can be dividit be
the said lordis, for any disposicion done to the Kingis hienes in any tym
bygone.

* First published by Dr. Henry, in the appendix to his fifth volume, 4to: but it
had escaped the author, who little expected any thing new in the worthy doctor's
revision from trivial authorities. It requires a nullus in this work, that the
not then in the hands of the press.

N^o XXIII. *Present State of the Scottish Records.*

Art. I. Curfory View of the State of the Records of Scotland, transmitted to John Pinkerton, Esq. 5 July, 1796 *.

In obedience to Mr. Pinkerton's Letter of the 26th ult^o. I have consumed the principal part of several days in going over what Notes I am possessed of, in making enquiries at the different offices, and in examining the state of our various Records; and now transmit to him in the following pages the information which I have obtained.

RECORDS OF PARLIAMENT.

THE oldest volumes of the Parliamentary Record are in a state so frail, from the waste of time, and want of proper care, that, unless the utmost attention is paid in turning over the folios, parts of them are apt to be lost by the operation. About five years ago, I examined every leaf of the three or four first volumes; but since that time the Keepers, by the desire of the Lord Clerk Register, prevent them from being handled: and Mr. William Robertson is at present employed in making an Accurate Copy of them, that they may not be entirely lost.

The first three Books of the Parliamentary Record are bound up in one Volume. The two first of these Books, which contain a part of the Regiam Majestatem, and Acts of Robert III, James I, II, III, are not original, but have been copied in 1487. The Genuine Records

* This paper, by a William Anderson *writer* or attorney in Edinburgh, imperfect as it is, may give the reader some idea of the subject. Of the curious and important Chamberlain's Rolls Mr. A. observes, "independent of their being in much disorder, they are covered with dust, I might almost say buried in it." And after the expensive erection of that splendid edifice, the new Register Office, the following remark may surprize. "It is a great pity that such a valuable Collection of Records should, in a manner, be rendered entirely useless to the public, by the expence attending the inspection of them, by the state in which they are kept, and by the want of a small fund, to recompense the person who would undertake to examine them with attention." The expence indeed is enormous, to judge from this attorney's bill, which exceeded Twelve Pounds, (not Scottish money but sterling,) for a trifling labour, which in England would have been held richly recompensed by three or four guineas.

As the importance of national records is extreme, there ought to be in every country a literary inspector of the records, independent of the juridical arrangement, to attend to the preservation of the more ancient, and publish curious extracts.

of the Scots Parliament commence with the 3^d Book of this Volume, in the Reign of James III, Anno 1466, and go down to the year 1474. From this period, to the dissolution of the Scots Parliament by the Union of the Kingdoms, the Record appears to be pretty entire. There are in all thirty six Books, bound up in twenty six volumes, all written on good paper and well bound. Of these however the fourteenth Book, which must have contained some proceedings of Parliament in the minority of James VI, is missing.

In the general Register House there are also preserved several bundles of *Loose Parliamentary Records*; for instance Commissions to Parliament in last Century, and debates in Disputed Elections, &c. Besides the volumes above-mentioned there are some *Decrees of Forfeiture* in Parliament, in Annis 1685, & 1690—5.

There are also several *Records of the Committee of Estates*, during the Common-wealth and Protectorate: but for want of binding, their Condition is so bad, that they cannot be properly looked into.

RECORDS OF SECRET COUNCIL.

Of this Record there are a considerable number of volumes; several of which are deposited in the General Register House, in the custody of Mess^{rs}. Robertsons—others of them are kept in the Justiciary office by M^r. Norris. The oldest, as M^r. Pinkerton observes, commences 6th June 1545, and ends 2^d August 1547. Many of them however are lost.

GREAT SEAL RECORD.

The oldest Record of Charters, &c. passing the Great Seal, which is now known to exist, is a Roll of Robert I, about the 1316*. There are, as I am informed, twelve of these Rolls, some of which have only about twenty, others one hundred and twenty charters. They are all written on parchment: and the Charters they contain are granted by Robert I, David II, Robert II, and III.

The first Book of this Record is bound in red turkey; and contains about three hundred and twenty charters: some of them granted by David II, from the 33^d, to the 41st, year of his reign, and others granted by Robert II.

The second volume contains charters granted by King James I; but the Record of very few of his Charters has been preserved. It also appears that the greatest part of the Charters by James II, and III,

* A Scoticism for the year 1316.

have been lost. Those granted by James IV, on the contrary, seem to be complete; for there are Registered Charters, which have been granted in every year of his long reign, which is far from being the case with those of his predecessors. A good many also of those granted by James V have perished. Queen Mary's seem to be tolerably entire; and from the reign of James VI downwards, it is thought the whole are extant.

PRIVY SEAL RECORD.

The Privy Seal Record, in the General Register House, consists of about 116 volumes. It begins in the year 1499; and ends about the middle of last century.

This Record is a great repertorium of curiosity; and from this source the accurate narrator of facts in history might reap superior advantages, as almost every transaction within the kingdom, worthy of the smallest notice, was in those times the object of a Royal Letter. Every improvement in science, every invention tending to comfort or utility, was made the subject of a patent under the Privy Seal, so that by the Investigation of this Record the introduction of many of the arts into this kingdom, such as printing, &c. might be clearly ascertained.

RECORDS OF SESSION.

Prior to the institution of the College of Justice, 1537* there were itinerant courts, which administered Justice in different parts of the kingdom. The oldest Record of their decreets begins in Oct'. 1478.—These are continued down pretty regularly, till the Court was established in its present form. Only a few of the Acts and Decreeets of the Court of Session have been lost; but it is supposed they will never merit the investigation of an Historian, being exceedingly voluminous, and relating to nothing but the adjustment of private right.

RECORDS OF JUSTICIARY.

These volumes present much entertainment to the reader, who does not seriously reflect on the singular oppression of the Criminals, particularly the poor Witches. The first volume commences 18 November 1524. But the reasons and arguments, and narration of facts, very seldom appear in the Record, till towards the conclusion of that century. One or two volumes towards the beginning are wanting.

* 1532.

EXCHEQUER

EXCHEQUER RECORDS.

There are deposited in the Register Office, under the Custody of the Clerks in Exchequer, the Rolls of the Chamberlain's Accounts, from 1326 downwards, to the Amount of about 220, in a pretty regular series*. There are not any other very old Records in their possession. But the Mess^{rs}. Robertsons have the charge of many documents peculiar to Exchequer; such as, The Record of Signatures beginning in 1561, proceedings in the Court of Exchequer anno 1584, Rentals of the Royal Property, as far back as 1479; Accounts of Customs 1510; Accounts of the Army and Household Expence, 1511, &c.

CHANCERY.

Besides Retours of services preserved in Chancery, there are therein kept what are called the *Respondee Books*, which specify the Sums due to the Crown or Prince, at the entry of an heir, &c. &c. and collected by the Sheriffs of the different Counties. These commence anno 1587. The Retours commence about the year 1547: but there is a great Chasm from 1549 to 1600; and the Record is very irregular, as many Retours, of dates both prior and posterior to 1547, have been, and still are, recorded in these volumes.

By Decree of the Court of Session, the Record of Charters passing the Great Seal was several years ago removed from this Office, and placed under the Charge of the Mess^{rs}. Robertsons.

ADMIRALTY.

There exist Records of this Court, from 1597 downwards, in good Condition, which are kept, for the greater security, in the General Register House. One or two volumes prior to that date have perished. The Court, as it at present stands, was established anno 1681.

COMMISSARY.

The Records of this Court are preserved from the period of its institution. At least it was established, in its present form, by Queen Mary's Gift of the 8th Feb^y 1563; and the first Minute Book of the Record commences 3 May 1564.

It is imagined that the Records of the more antient Consistorial Courts were either carried off, or destroyed, at the Reformation.

* The Treasurer's and Comptroller's Accompts probably commence about the year 1424, when James I instituted the former office.

Besides these there are Records of Safines, Bonds, Hornings, Adjudications, Baptisms, Records of the General Assembly, &c. But which, it is supposed, cannot be very beneficial to the Historian.

Perhaps I might add that a very considerable degree of accurate information might be obtained by perusing the different chartularies of Ancient Monasteries, which are to be found in the Lawyers Library, and elsewhere; such as that of Aberdeen, Dryburgh, Arbroath, &c. &c. but the expence necessarily attending investigations of that nature will, I am afraid, for ever prevent their being performed.

Art. II. Extract from The Case of Sir James Johnstone of Westerhall, Baronet, claiming the Titles, Honours and Dignities of Marquis of Annandale, &c. Presented to the House of Lords, 1794.

Respecting the present State of the Public Records of Scotland.

Before stating the Evidence concerning the Relation of Matthew, the first of the Claimant's Line, to the Family of Annandale, it is proper to observe, that although the Records of Scotland, in so far as concerns Charters, Safines, and Retours, are now very regularly kept; yet it was not till the year 1617 that an act passed, appointing a Public Register to be kept for all Safines, Reversions, &c. and declaring the same to be ineffectual against third parties, unless recorded therein, within 60 days.

And with respect to the Register of Retours, it was not the practice in more ancient times to lodge them in chancery, they remained in the hands of the private parties; and the first Retour appearing in the Records of Chancery is dated 1st February 1547; but there were many Retours expedite after that period, which do not appear in these Records.

The Records of the Great Seal, in which Charters were inserted, were more regularly kept, but it frequently happened that the Parties carried away their Charters, before they were entered in the Record; and though they sometimes brought them back afterwards to be recorded, yet very often they did not, and the time of bringing them back was various; so that Charters are not always recorded in the Books according to their dates, but those of a prior date are frequently inserted after those of a posterior date.

It is material in the present Case to observe, that the Book, which has been numbered IV, of the Records of Charters, ends with a Charter dated the 27th June 1452, and the Book now numbered V, begins with a Charter, dated the 5th August 1458; so that a part of the Records has been lost, as there is an interval of six years, in which no Book now exists, in which Charters are found recorded. A few are found in Book V. which though dated during that interval, are inserted among posterior

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posterior Charters; but only two of these are dated preceding January 1458, one dated 25th October 1456, and another dated 6th December that year.

It was only by an act 12th July 1672, that a Regulation was made appointing all Charters, &c. which pass the Great and Privy Seal, to be registered in the Registers of these Seals before the Seals be appended to them, and such Registration to be marked thereon by the writers to the different Seals.

The Privy Seal Records are not preserved of an older date than 1499.

The Signet, properly speaking, has no Record. It is the place where the Original Signatures or Warrants of Charters ought to be deposited, but none of these are to be found prior to 1607; and these Signatures often remained in the private Custody of the Keeper of the Signet, and passing to his Representatives, were generally lost.

The Record of Safines begins in 1617, in terms of the act of Parliament before referred to.

The Records of Parliament are very imperfect, and many Books are wanting, particularly about the period of 1455.

The Records of the Privy Council, are not preserved further back than 1545, and subsequent to that year many intermediate Books are wanting.

The Record of Signatures in Exchequer begin in 1661, and although some of an older date are preserved, yet they are few in number.

This imperfect state of the Records, is partly to be ascribed to negligence; but it is also certain, that a great part of the ancient Records of Scotland, were carried to England by Oliver Cromwell; and it is stated in the Report of the Court of Session to your Lordships, 27th February 1740, that when the Registers, which had been carried to England during the usurpation, were sent back to Scotland by Sea after the Restoration, no less than Eighty five hogsheads, which in a Storm were taken out of the Eagle Frigate, and put into another vessel, were all of them lost by the wreck of that vessel.

With respect to ancient Deeds in the hands of private Individuals, besides the Loss of many in the Calamities of War and Domestic Commotions, and by various other Causes which prevent the preservation of Private Papers, it became less an object in Scotland to preserve old Deeds and writings after the Act of Parliament had passed in the year 1617, by which it was declared that 40 years undisturbed possession, upon a Charter and Safine, should be held as a complete right to Lands, unless in certain cases excepted.

The greatest deficiency of the Records of Charters and Safines and Retours, is found to be in those prior to the year 1500.

N^o XXIV. *Agreement in Parliament, between the Queen Dowager and the Livingstons, 4 Sept. 1439.* Crawford's Peerage p. 276*..

THIS Appoyntment, made at Strivyline, the furd Day of the Moneth of September, the Yher of our Lord m.cccc.xxxix, propertis, that it is accordit betwix a right hye and mighti Princeffe, Jehane be the Grace of God Queen of Scotland, on the ta part, and Sir Alexander of Livingston of Kalentar, Sir William of Cranston, Knightis, James of Livingston, Son and Heir to the said Sir Alexander, and John of Livingston, Brother to the afore said Sir Alexander, on the tother part, with the Avyse and the Consent of the thre Estates, beand thare in the general Counsele, there halden and gaderit, in fourme and manner efter folowande, That is to saye, In the first, touching the Declaracion of the Fame and Worship of the foresaids Persons, for the Restriction of the said Princess' Will and Liberte, made be thaym and their Assistance. The said Princess, with her Counsele, has ripely examinit, and discussit, the Causes and the Motyvis, be the whilks the forsaids Persons war stirit to withdraw the forsaids Liberte fra hir, and has considerit, and knowleges, that what thing the saids Persons did in that Matter touching hir, thai did it of gude zele and motife, and of grete Truth and Leaute that was in tham, bath to our Soveryne Lord the King and his sawfte, and to the said Princess in hir Worship: and in that Matter and all utheris, Scho reputes, haldes, and trustis, tham all, and thair Assistance tharin, bath lele and trewe to hir, doand that thing as trew Lieges aw to do for thair Soveryne Lord, and hir Estate and Worship, and nane utherwyse. Item, touching the Declaracione of the Fame and Worstship of the said Princeffe, the foresaid Sir Alexander, Sir William, James and John, and thair foresaid Assistentes, declaris and knowleges in thair Leaute, that thair withdrawing of whilk Liberte fra hir, and that thai did in that Matter, was nought done in Vilany, na for Vilany, harme, na Sclandre, to hir Personne, na for na Lak, Cryme, na Faute, that thai, or ony of thaim, wist or knewe to hir Woman hede, but anerely for the Safete of ovr Soveryn Lord, the Worschip of hir Persone, and the Common Gude of the Reamme. Atour for sa mikle as the said Princeffe, be the occasioun of whilk withdrawing of Liberte fra hir, confaved griefe and displefance again the saids Sir Alexander, Sir William, James and John, and thair

* This curious paper was omitted in its proper place, and ought to have been noticed in the text under this year.

APPENDIX.

Assistentes, considering that whilk thing was done of gude zele and motif, as before is declared, Scho has remittit, and removes, all the saide grief and displeasance, that scho consavit agayn thaim or ony of thaim, for the foresaid Cause, or ony uther done or said in time be-gane; and forther out forth that the said Princeffe had fulle declara-cione, and varry witting of trowth and leaute, that was and is in the forsaid Sir Alexander, and all the other Persones for written, in mare appert takin of Traiste and hartlines in time cummyng, scho has, be the Avyse of the saids thre Estates, committit to the said Sir Alexan-der's keping our said Soveryne Lord the King, hir derrast Son, unto the time of his Age; and lent to him, for his Residence for the said tyme, her Castel of Strivylyne, and assignit to the said Sir Alexander, to the uphald of our said Soveryn Lord, and his Sistris, in the forsaid Castel, to his said Age iiiij^m Markis of the usuale Monee of Scotlande, the whilkis war assignit to hir be the said thre Estates, and for the same Cause. Alsua the said Princeffe sal have accesse to visit our said Soveryn Lord hir Son, in the said Place, with unsuspect Personis, at hir liking, as is accordit betwix thaim. Item, for the mair sikernes, the said Princeffe sal mak sic Lordis as are hir Men and retenewe, at the desyre of the said Sir Alexander, and of the Personis beforwritten, gif the forsaid Sir Alexander and Personis thair Letters under thair Sealis, that gif the said Princeffe cummis in the contrar of ony of the Ap-pointment accordit in this Writ, that thai sal nought assist to hir, na be in contrar of him, na of the saids Personis in tha Materis; but erar with him and them, in the fulfilling thereof. And the saids Lordis, that are Men and Retenew to hir, sal be oblyst in thair saids Letters, that thai sal nouthir do na say, to the said Sir Alexander, na to the said Personis, na thair Assistents, na procure to be done, na say to him, na thaim, Schame, Vilany, nar Harme, in ony wyse for the forsaid Cause. Item, gif it happins, as God forebide, that our said Soveryn Lord deceese, or that he cum to his said Eld, the said Sir Alexander sal ressave the forsaid Princeffe in hir forsaid Castel frely, with mony, or Fewe, at hir Plesance; likeas he is oblyste to hir of before be his Letters. Item, give it happenis the said Sir Alexander to deceese within the said Age of our forsaid Soueryn Lord, his said Son and Ayr, and all the Persons forwritten, or that sal be in the said Castel, sal be oblyste to delyver the said Castel freli to hir, togidder with our said Soueryn Lord, withoutten obstakle or demande at hir desyre, and asking, outhir be hir worde or her Letters under hir Sele: sa that nouthir the said Sir Alexander, Sir William, James and John, be nought the neirar the Deede, be the miene of the said Princeffe, hir Procuracione or Servants. To the whilkis all and sundry things foresaid, leleli and truili to be kepit without Fraude or Gile, the said Princeffe and Sir Alexander, Sir William, James and John, the haly Evangelis touchit, has

has geven thair bodilie Aiths : and the said Princeffe and Sir Alexander has enterchangeably to this Writ indentit, set thair Seeles, togidder with the Seeles of reuerendes Fadres in Crist, John, John, John, and Michael, be the Grace of God Bishopis of Glasgu, Murreve, Ross, and Dunblane, for the part of the Clergy; and the Signet of a hyc and mighti Lord William Erl of Douglas, havand the force and the effect of his Seele; the Seele of a Noble Lord, Sir Alexander Lord of Gordon, procurit be the Lord of Crechton Chancellor of Scotland for him, in absence of his own Seele, and for the said Lord of Gordon for himself; and the Seele of a Noble Lord, Sir Walter Lord of Dirlton, for the part of the Barouns; and the Seeles of James of Parcle, Commissaire of Linlithgu, and of a venerable Fader in Criste, David Abbot of Cambuskynne, procured be William of Cranston Burges and Commissaire of Edinburgh, and Andrew Rede Burges and Commissaire of Innernes, Day, Year, and Place, before writen, for the part of the Burrows.

* This paper was not transmitted till the Appendix was almost printed. For some account of the ms. whence it was copied see the Appendix to Vol. II.

† Rescriptum a Rege conditum. De Causa in re.

Nº XXV.

N^o XXV. *Declaration of the Parliament concerning the slaughter of Douglas, 12 June 1452* *. Ms. Advocates Library, W 6. 44.

Declaratio Trium Regni Statuum Parliamenti, pro Rege, de morte Comitis de D.

PRELATI, Duces, Comites, Magnates, Proceres, Barones, Civitatum et Burgorum Commissarii, tres Regni Status representantes, in parlamento apud burgum de Ed. xii^o die mensis Junii, Anno Dni. M^o iii^o lli, tento et inchoato, presentes, Universis et singulis perfidelibus, ad quorum notitias presentes literæ pervenerint, Salutem in omnium Salvatore. Serenissimus Princeps, Jacobus Dei Gratia Scotorum Rex, in dicto suo parlamento presedens, asseruit ad ejus devenisse notitiam, quod certi emuli et rebelles sui, extra et infra regnum suum, famam suam denigrare et blasphemare conantes, temere et inique asserere moluntur, eundem Supremum Dominum nostrum Regem quondam Wil^m. Comitem de Douglas, sub speciali respectuatione †, et certis aliis securitatibus, occidisse. Quam blasphemiam idem Serenissimus Dns. noster moleste ferens, Tres Status regni sui, in dicto parlamento presentes, instanter requisivit, ut ad suam innocentiam declarandam super præmissis, ac etiam super occasionibus, causis, et motivis, mortis dicti Comitis, veritatem inquirerent; et desuper expressam Declarationem, ad futuram rei memoriam, sub antedicto documento conficere vellent. Tres vero Status prædicti, attendentes præfatam requisitionem tam justam, quam potens in odore bonæ famæ quam falsis et fictis blasphemias extat * * gaudendi, ad inquisitionem præmissorum, digesta et magna maturitate, procedentes; ac propterea ad partem, et extra presentiam præfati Serenissimi Principis, quælibet pars dictorum Trium Statuum, dimittendo et in singulis domibus sibi assignatis confedendo, ac examinationes desuper facientes, tandem ex claris depositionibus et relationibus magnorum baronum, precipuorum militum, et nobilium, in magno numero, coram tribus regni statibus desuper examinatorum, Clare Constitit, et Probatum Extitit, quod præfatus quondam W. de D. se respectuationem aliquam, aut aliquas, a dicto eximio Domino Rege, die precedente mortem suam, illis respectuationi et securitatibus, coram multitudine baronum, præcipuorum militum, et nobilium, expresse

* This paper was not transmitted till the Appendix was almost printed. For some account of the Ms. whence it was copied see the Appendix to Vol. II.

† *Respectuatio*, a safe-conduct. Du Cange in voce.

renunciavit.

renunciavit. Et desuper ex literis, et evidentiis multis, sigillo quondam dicti Comitis sigillatis, in Parlamento perlectis, ac aliis claris deductionibus, et probationibus, apperte constitit de Ligis et Conspirationibus, per dictum Comitem cum certis Regni Majoribus, in oppressionem et offensam Seren. Regiæ Majestatis factis et initis; ac rebellionibus publicis per ipsum, ac suos fratres et complices, frequenter perpetratis. Necnon post multas persuasiones dulces, tam per Regem, quam per diversos barones, et proceres, ad complacend. et assistand. Regem contra suos rebelles, eidem W°. Comiti die mortis suæ factas; obstinatio tam perpetua, per eundem W. Comitem Serenissimo Domino Regi ostensa, (et aliis maleficiis per eundem etiam compertis,) occasionem mortis suæ procurasse et dedisse videtur. Tres igitur Status prædicti, præmissis attentis, Expresse Declarant præfatum Seren. Dom. Regem nullam respectuationem, aut aliam securitatem, in morte dicti quondam W. Comitis infregisse seu violasse. Ac etiam, ex prædictis Conspirationibus, Ligis, Rebellionibus, et Maleficiis, in contemptum et offensam Serenissimæ Regiæ Majestatis, inverecunde per eund. W. comitem, et suos complices, nequiter gestis, et perpetratis, occasionem mortis suæ procurasse et dedisse. In cujus Declarationis fidem et testimonium, &c.

transiit. Et deinde ex litteris, et evidentiis multis, sigillo quondam
 dicti Comitis sigillatis, in Parlamento peractis, ac aliis clavis deduc-
 tionibus, et probationibus, aperte constat de Ligis, et Conspira-
 tionibus, et per dictum Comitem cum certis Regni Majoribus, in oppressionem
 et dissolutionem Statu Regni Massiacis factis et initiis; ac rebellionibus
 publicis per ipsum, ac suos fratres et complices, frequenter perpetratis.
 Necnon post multas persequutiones dulces, tam per Regem, quam per
 diversos barones, et proceres, ad complacendum, et assistendum Regem
 contra suos rebelles, eidem W. Comiti die mortis sue factas; obsequia
 tam perpetuas, per eundem W. Comitem Serenissimo Domino Regi
 obsequia, (et aliis malitiosis per eundem etiam complices) occasionem
 mortis sue procurasse et chemis videtur. Tres igitur Status predicti,
 perimissis actibus, Expressis Declarant predictum Statu Dom. Regem
 nullam respectationem, aut aliam securitatem, in morte dicti quondam
 W. Comitis infregisse seu violasse. Ac etiam, ex predictis Conspira-
 tionibus, Ligis, Rebellionibus, et Malitiis, in contemptum et offen-
 sam Serenissime Regine Massiacis, invertendum per eund. W. comitem,
 et suos complices, nequiter factis, et perpetratis, occasionem mortis
 sue procurasse et dedisse. In cuius Declarationis fidem et testimo-
 nium, &c.

END OF THE FIRST VOLUME.



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